

## The Flag Dispute: Anatomy of a Protest

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Queen's University  
Belfast

Institute for the Study of  
Conflict Transformation  
and Social Justice

# THE FLAG DISPUTE



## ANATOMY OF A PROTEST

Paul Nolan, Dominic Bryan, Clare Dwyer, Katy Hayward, Katy Radford, Peter Shirlow



An Roinn Gnóthaí Eachtracha  
agus Trádála  
Department of Foreign Affairs  
and Trade

Community Relations Council





# The Flag Dispute: Anatomy of a Protest

## Full Report

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## CONTENTS

|   |           |
|---|-----------|
| List of Tables, Figures and illustrations.....                          | 7         |
| Glossary .....  | 8         |
| Executive Summary .....   | 9         |
| <b>1. INTRODUCTION.....</b>   | <b>14</b> |
| 1.1 Why we wrote this report .....                                      | 14        |
| 1.2 How we set about the task.....                                      | 15        |
| <b>2. WHY ARE FLAGS IMPORTANT? .....</b>                                | <b>18</b> |
| 2.1 Symbolic contest in Ireland and Northern Ireland .....              | 18        |
| 2.2 Symbolic contestation after the Agreement.....                      | 21        |
| 2.3 Post-Agreement divergent practice on flying the Union flag.....     | 23        |
| 2.4 The handling of the flag issue in local councils .....              | 25        |
| 2.5 The symbolic and cultural environment of Belfast City Council ..... | 26        |
| <b>3. HOW EVENTS UNFOLDED .....</b>                                     | <b>29</b> |
| 3.1 The build-up to the vote: inside City Hall .....                    | 29        |
| 3.2 The build-up to the vote: outside City Hall .....                   | 35        |
| 3.3 The night of the vote .....   | 38        |
| 3.4 The first week of the protest.....                                  | 42        |
| 3.5 The protest escalates .....   | 44        |
| 3.6 Political reactions: support, alarm and ridicule .....              | 48        |
| 3.7 Efforts to conclude the protest .....                               | 51        |
| 3.8 The decline of the protest .....                                    | 57        |
| <b>4. SHIFTS IN THE PUBLIC MOOD .....</b>                               | <b>61</b> |
| 4.1 The evidence from polling.....                                      | 61        |
| 4.2 The non-protesting Protestants .....                                | 64        |
| 4.3 Attitudes within nationalism and the centre ground.....             | 66        |
| 4.4 The response in the media and on social media .....                 | 68        |

|  |            |
|--|------------|
| 4.5 The role of civil society .....  | 73         |
| <b>5. WHO ORGANISED THE PROTESTS? .....</b>                                  | <b>76</b>  |
| 5.1 Political manipulation.....  | 76         |
| 5.2 The use of social media in organising protests .....                     | 77         |
| 5.3 A ‘people’s protest?’ .....  | 80         |
| 5.4 The role of the paramilitaries.....                                      | 81         |
| 5.5 The ‘flag provocateurs’ .....  | 85         |
| <b>6. WHAT CAUSED THE PROTESTS?.....</b>                                     | <b>88</b>  |
| 6.1 Social drivers: the impact of gender and generational differences .....  | 88         |
| 6.2 Emotive drivers: the effects of alienation .....                         | 93         |
| 6.3 Ideological drivers: arising from opposition to the Agreement .....      | 95         |
| 6.4 Cultural drivers: a defensive celebration of culture.....                | 98         |
| 6.5 Political drivers: arising from distrust of political institutions ..... | 101        |
| 6.6 Economic drivers: arising from relative deprivation .....                | 104        |
| 6.7 What distinguished the flag protests? .....                              | 106        |
| <b>7. POLICING THE PROTESTS .....</b>  | <b>108</b> |
| 7.1 Loyalist criticisms of policing .....                                    | 109        |
| 7.2 Nationalist criticisms of policing.....                                  | 111        |
| 7.3 The legal challenge .....  | 112        |
| 7.4 Monitoring the Police: the views of the independent bodies .....         | 117        |
| 7.5 Overall assessment of the policing response .....                        | 120        |
| 7.6 Criminal justice .....   | 122        |
| <b>8. THE LEGACY OF THE FLAG PROTEST .....</b>                               | <b>128</b> |
| 8.1 The impact on politics .....   | 128        |
| 8.2 The impact on community relations .....                                  | 132        |
| 8.3 Other research studies on the protest .....                              | 138        |
| 8.4 Perspectives from community relations organisations.....                 | 139        |
| 8.5 The future of reconciliation work.....                                   | 142        |

## LIST OF TABLES, FIGURES AND ILLUSTRATIONS

|  |                                     |
|--|-------------------------------------|
| Table 1. Results of elections to Belfast City Council, 2001 and 2011.....  | 29                                  |
| Table 2. Results of staff survey on policy on flying a flag on public buildings in BCC. ....                                   | 32                                  |
| Illustration 1. Image of the leaflet distributed in east Belfast prior to the council vote. ....                               | 37                                  |
| Illustration 2. Geographical spread of the protests. ....  | <b>Error! Bookmark not defined.</b> |
| Figure 1. Operation Dulcet: Number of flag related ‘occurrences’, 3 December 2012 - 17 March 2013....                          | 52                                  |
| Figure 2. Operation Dulcet: Number of people involved in protests and related incidents, 3 December 2012 - 17 March 2013 ..... | 52                                  |
| Table 3. Which of these options in relation to the Union flag at the city hall do you most support?.....                       | 62                                  |
| Table 4. Views on the Union flag by age and denomination (NILT, 2013). ....  | 63                                  |
| Table 5. Views on the Union flag on Council buildings by denomination (Belfast Telegraph, 2013). ...                           | <b>Error! Bookmark not defined.</b> |
| Table 6. Costs of policing the protest.....  | 109                                 |
| Table 7. Outcomes of flag protests arrests. ....   | 122                                 |
| Figure 3. Flag protests and related incidents: age and gender. ....  | 123                                 |
| Table 8. Flag protests and related incidents: Primary Offence. ....  | 125                                 |
| Figure 4. Court outcomes: Crown and magistrate courts. ....  | 125                                 |
| Figure 5. Custodial sentence – age of defendants. ....   | 126                                 |
| Figure 6. Custodial sentence – length of sentence. ....  | 126                                 |
| Figure 7. Percentage saying relations between Protestants and Catholics are better than they were 5 years ago (NILT).....      | 136                                 |
| Figure 8. Percentage saying relations between Protestants and Catholics will be better in the future (NILT). ....              | 137                                 |



## GLOSSARY

|      |   |
|------|---|
| ACT  | Action for Community Transformation               |
| BCC  | Belfast City Council                              |
| CJI  | NI Criminal Justice Inspectorate Northern Ireland |
| CRC  | Community Relations Council                       |
| DUP  | Democratic Unionist Party                         |
| EQIA | Equality Impact Assessment                        |
| GARC | Greater Ardoyne Residents' Collective             |
| HET  | Historical Enquiries Team                         |
| IMC  | Independent International Monitoring Commission   |
| IRA  | Irish Republican Army                             |
| MLA  | Member of the Legislative Assembly                |
| NFPA | No Further Police Action                          |
| PC   | Protestant Coalition                              |
| PPS  | Public Prosecution Service for Northern Ireland   |
| PUP  | Progressive Unionist Party                        |
| PSNI | Police Service for Northern Ireland               |
| SDLP | Social Democratic Labour Party                    |
| TSG  | Tactical Support Group                            |
| TUV  | Traditional Unionist Voice                        |
| UDA  | Ulster Defence Association                        |
| UFF  | Ulster Freedom Fighters                           |
| UKIP | UK Independence Party                             |
| UPF  | Ulster People's Forum                             |
| UPRG | Ulster Political Research Group                   |
| UUP  | Ulster Unionist Party                             |
| UVF  | Ulster Volunteer Force                            |

## **EXECUTIVE SUMMARY**

### **1. Introduction**

1.1 On 3 December 2012 Belfast City Council voted to restrict the flying of the Union flag at the City Hall to 18 designated days each year. The decision sparked a riot on the night the vote was taken, and was followed by four months of street protests. Moreover, the arguments over this particular policy have continued up to the present day.

1.2 We have felt it important to conduct a dispassionate analysis of these events to see what lessons can be learned. This study has involved interviews with approximately 60 people (and conversations with hundreds), a comprehensive trawl of print and broadcast media, an examination of social media, statistical analysis of data provided by the Public Prosecution Service, extensive use of PSNI records, and the creation of a detailed data base of all events during the period December 2012 and March 2013. We have sifted both the qualitative and quantitative data and critically analysed the findings in order to present this account.

### **2. Origins of the quarrel in Belfast City Council**

2.1 The 1998 Belfast Agreement itself had nothing specific to say about the flying of flags, but both nationalists and unionists have been able to use the document to support quite contrasting interpretations. In 2000 the Secretary of State Peter Mandelson attempted to dispose of the problem by introducing the Flags and Emblems Act. This set out a new set of regulations for the flying of flags on government buildings, but the legislation neglected to cover the 26 district councils which were allowed to set their own policies.

2.2 In Belfast City Council the policy was hotly contested. The Alliance Party, acting as the fulcrum between unionism and nationalism, proposed a compromise formula of flying the flag on designated days. In 2012 Sinn Féin, which had previously opposed this policy, changed tactics and decided to support it. This news was deeply unsettling to unionists, and in the run up to the vote the DUP and the UUP circulated 40,000 leaflets warning in emotional language that the Alliance Party policy was a threat to unionist identity.

### **3. How events unfolded**

3.1 After the riot on the night of the vote a pattern quickly established itself. The protests took four main forms: a Saturday rally at Belfast City Hall, marches to and from this destination, static protests which blocked roads, and pickets outside buildings. The PSNI recorded approximately 2,980 'occurrences' related to the flags dispute and these may include a crime (or multiple crimes), an incident (i.e. anti-social behaviour or suspicious behaviour) or a report of information. The number of people recorded in relation to these occurrences peaked in the week 17-23 December 2012, when almost 10,000 people, at different places across Northern

Ireland, were recorded as being involved in protests and related incidents.<sup>1</sup> On one particular night in January there were 84 different seats of protest.

3.2 Most protests were peaceful, but violence was a feature on some. This included the burning of vehicles, rioting and stone-throwing, with the PSNI frequently the target for the rioters. There were serious clashes close to the nationalist Short Strand area of east Belfast, and the Alliance Party was singled out for attack. The city centre protests were heavily criticised by traders, and the bad publicity from this and the violence served to undermine support for the protest. By the end of March 2013 the momentum was lost, but low-level protests continued. There was a protest of one sort or another every single day in 2013.

3.3 The numbers involved in the street protests were only ever a very small percentage of the unionist population. Even in the protest heartland of east Belfast no more than one per cent of the populations participated in the demonstrations. However there was considerable tacit support: a poll taken in mid-January showed that despite the violence and the losses to traders, 46 per cent of unionists thought the protests should continue.

#### 4. Who organised the protests?

The report analyses a number of possible explanations of how the protestors were mobilised. These include political manipulation by the mainstream unionist parties, the idea of a 'people's protest' organised through social media, and the possibility that the protest was driven by paramilitaries. In addition the report considers the significance of those activists it describes as 'flag provocateurs' – a category that includes highly mobile individuals and clusters of people who travelled from protest to protest.

#### 5. What caused the protests?

The report looks at not just the immediate sparks that ignited the protest but also at the deeper underlying causes, including social, economic and ideological drivers. The report suggests that loyalists had come to see the peace process as a zero sum game in which nationalist gains and unionist losses are part of the same equation. Interviews with protestors also showed a lack of trust and confidence in the unionist political elite to represent them.

#### 6. Policing and criminal justice

6.1 The flag protest presented a major challenge for policing. There were four months of sustained protests across Northern Ireland in which time over 160 police officers sustained injuries. The total cost of the policing operation was £21.9 million.

6.2 The police faced criticism throughout the protest from both nationalists and loyalists and also from citizens of a wide range of political opinion who felt that too much indulgence had been shown to the illegal blocking of roads. A nationalist critique suggested that when

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<sup>1</sup> The same people may be recorded as being involved in more than one 'act of protest', i.e. the same individual attending numerous events/incidents.

republicans had blocked roads the PSNI had arrested them immediately; the loyalist criticism was that the police had been heavy-handed and at times brutal in their handling of street protests. In the interviews we conducted we found evidence of serious alienation from the PSNI among sections of loyalism. This is unlikely to be dispelled easily.

6.3 A high court judgement found that the PSNI had misdirected itself in its interpretation of the law on protest, and had in effect facilitated illegal marches. An appeal hearing reversed this decision, and found that the PSNI's operational decisions were well within its discretionary powers.

6.4 As of November 2014, 362 files have been submitted to the Public Prosecution Service. The main primary offence committed was riot, with 82 of the 362 defendants convicted on this charge. In total, 37 of the 224 defendants (17 per cent) convicted in the courts received a custodial sentence and the longest sentence received was 2 years.

6.5 The criminalisation of the protestors, and the threat of a custodial sentence in particular, was a major deterrent and it played a critical part in the waning of the flag protest. This has had knock-on effects in worsening the sense of alienation that some in the community feel towards the institutions of criminal justice in post-Agreement Northern Ireland.

## **7. Flags policy since the protest**

One ironic outcome of the decision to restrict the flying of the Union flag at Belfast City Hall has been the further increase of displays of the Union flag elsewhere, particularly on lampposts across Northern Ireland. During the Haass /O'Sullivan talks progress was made on parades and dealing with the past but no policy recommendations were made on the flying of the Union flag. This is now seen to be the most intractable of the issues still to be resolved.

## **8. The impact on politics**

8.1 The impact on electoral politics was not dramatic. In the May 2014 local elections the Alliance vote held up, and the newly formed 'flag protest parties' melted away. The DUP's hope of boosting its support by taking a strong position on the flag did not succeed; instead it was outflanked on the issue by the TUV and the PUP.

8.2 The singular failure of flag protestor spokespersons to take votes from the DUP or the UUP should not be read as a measure of their lack of impact. It was simply that the impact was experienced in a different way. The main way in which the protestors influenced politics was by closing down the possibility of compromise on this issue.

## **9. The impact on community relations**

9.1 The overall finding of a marked deterioration in community relations, and this is corroborated by evidence from opinion polls and other studies. Senior figures in the major

reconciliation agencies recognised the scale of the problem, but located it in an historical perspective where, as with any peace process, problems will arise.

9.2 We suggest there are two key facts to be considered. One is that within the loyalist community the most frequently voiced concern is that 'no-one listens to us'. Any long-term planning of community relations work must attend to this key reality. The other is that at present the desire to be heard is not accompanied by any desire to listen. We have found a striking lack of interest in the concerns of the nationalist neighbour, or any willingness to concede that nationalism has also had to make compromises during the peace process.

9.3 We therefore have two modest proposals to make. One is that reconciliation agencies review the outcomes of single identity work, and encourage additional programmes in loyalist areas that assist with the articulation of issues, and with engagement with others from different backgrounds.

Our second recommendation arises from the generalised complaint that government has not provided an inspiration and that political parties, rather than modelling good relations, act to encourage mutual hostilities. In this context it may require the reconciliation bodies to bring forward their own 'peace plan' setting forward a clear vision of how reconciliation can be achieved.

## 10. Conclusion

10.1 The flag protest called into question the ability of Northern Ireland's politicians to resolve political issues within the democratic chambers that are available to them. It also demonstrated that when politicians fail to find agreement the issues do not go away; rather power leeches out into the streets and the issues re-appear in the form of street protests and public disorder.

10.2 The history of Northern Ireland is replete with examples of cultural contestation. There have also been cases however when differences over symbols have been resolved successfully. For example, following the enactment of the Code of Practice (1989) employers were instructed that all flags and insignia – including the Union flag – had to be taken down in the workplace. In that case firm leadership and the clear articulation of a principle resulted not just in a change in behaviour but in attitude. It is salutary to observe that even at its height the flag protest never entered the workplace.

10.3 Another example is provided by the choice of a symbol for the Northern Ireland Assembly. This could easily have turned into a bitter argument. Instead, a piece of creative thinking resulted in the adoption of the flax motif, now accepted by all sides as an elegant symbol for the devolved parliament.

10.4 This is the type of creative thinking that will be required in the future. There will be other symbolic issues which could ignite similar passions. The politicians and civil society have duty to work together to make sure that they do not. That means they must do more than simply express grievances; instead they must work to find solutions.

## **The Flag Dispute:**

### Anatomy of a Protest

# 1. INTRODUCTION

## 1.1 Why we wrote this report

In most countries decisions made by municipal authorities concerning the arrangements for the flying of a flag outside the council office would take place without exciting any attention. However, when Belfast City Council voted on 3 December 2012 to change its custom of flying the Union flag 365 days a year and to move to a new policy whereby the flag would fly on 18 designated days a year, it provoked a reaction that has proved to be a key moment in the trajectory of the Northern Ireland peace process. A riot took place at the back of the City Hall building the night the vote was taken, and in the four months that followed the PSNI recorded a total of 2,980 incidents in what became known as “the flag protest”. The depth, duration and intensity of that protest surprised the police, politicians and media.

In the period following the protest there was a polarisation of politics in Northern Ireland. That does not mean that the protest was the *cause* of polarisation but if the peace process was plotted on a graph there are several inflection points. The beginning of the flag protest is one of those moments when an upward trajectory became compromised by a downward turn due to violence, mayhem and a deterioration of inter-community relationships.

Prior to the City Hall vote all the indications suggested that 2012 was going to be a good year for the peace process. The Good Relations Indicators survey for the year published by the Office of the First Minister and Deputy First Minister shows that there was progress in how the two communities interacted. This was reinforced by the results of the 2011 Census which revealed that for the first time in decades there had been a significant shift away from single identity wards. Even within such wards, organisations such as Skainos, NI Alternatives, the Spectrum Centre, Shankill’s Women Group, Charter NI and Argyll Business Centre have contributed massively to community renewal and local confidence. At the level of political leadership, the 2011 election returned a stable administration intent on a wide-range of agreed programmes; that promise, however, went unfulfilled. A high level political dispute about (ironically) a conflict resolution on the Maze/Long Kesh site, plus others over education, health, teacher training, a Bill of Rights, welfare reform and an Irish language act began to silt up the political process even prior to severe budgetary cutbacks. Although it came after a period of significant and symbolic progress in community relations, the flag protest from the end of 2012 was the moment at which forward movement at the ground level also faltered.

Yet while the protests were intense, the numbers involved, despite media alarm, were small. Even in those areas where support was strongest, such as east Belfast, the percentage of local people who took to the streets was much smaller than the percentage of people who did not. It is clear that the flag protest – and its fallout for community confidence and good relations – could have been much worse. We were aware, moreover, that within loyalism the form of the protest was strongly contested with some of its senior figures feeling that public disorder was

entirely self-destructive. Those voices, as well as those invoking newly combative and spiky forms of loyalist politics, needed to be heard. We wanted to explore the diversity of responses within the unionist and loyalist communities to the crisis created around the flag issue. We also wanted to listen to those most affected (from various communities and sectors) to the effects of the protest. Equally, we talked with those in positions of responsibility and leadership charged with managing the consequences of the protest, from senior police officers, to community leaders and politicians.

There is an imperative for politicians and policy-makers not just to condemn violence but to try to understand the root problem and not just its surface manifestations. For example, following the August 2011 riots in England the Home Affairs Committee published its report *Policing Large Scale Disorder: Lessons from the Disturbances of August 2011* (December 2011). This was followed by a series of government responses on the policy issues raised by the report, including the Department for Communities and Local Government's *Government Response to the Riots: Communities and Victims' Panel Final Report* (July 2013). In addition, a joint investigation was mounted by the Guardian newspaper and the London School of Economics (LSE) which was published as *Reading the Riots* (December 2011).

Indeed, at the very start of the Troubles in 1969 the O'Neill government commissioned the Cameron Commission to report on the root causes of the problems that erupted with the civil rights marches. As the crisis spiralled, the UK government commissioned a larger study by Justice Scarman, *Violence and Civil Disturbances in Northern Ireland in 1969*. In the Cameron Report, the Stormont government was given a strong warning about the social injustices experienced by the Catholic community in that period, while the various reports on the English riots of 2011 contained insights into relations between ethnic minorities and the police, and forced a re-evaluation of the use of stop-and-search powers. In setting out to research this report we wanted to bring a degree of rigour and precision that would make it of practical use value for those who want to re-shape policy in the light of events.

## 1.2 How we set about the task

The first stage was to create a strong evidence base. That meant collating both quantitative and qualitative data, and seeking information from both official and non-official sources. In studying the English riots the Guardian and LSE used 'in-depth, free-flowing interviews'. We used the same approach.

We sought to speak with 20 loyalists who identified as either living or protesting in the Greater Belfast area, and with 20 loyalists from the same geographical areas who had not protested. The interviewees chose which group they wished to be aligned to in the report with some of them asking us to use alternative descriptors. We also conducted interviews with six people with commercial interests in the city centre. In each instance we attempted a spread of age and gender. We gathered other basic demographic data on our interviewees, aspects of their family and social background including educational or employment status and we also asked about



their political and cultural attitudes – both before and after the protest to see how much these had been shaped by events. A small sample of six residents of the nationalist area most affected by the protest, the Short Strand community, were also interviewed. We drew on aspects of interviewees' identities which helped contextualise the point being made and in some instances that has resulted in individuals being described in multiple ways throughout this report. The emphasis on practical outcomes led us to interview, in addition, clergy, community workers and those involved in peace and reconciliation. Some of those we interviewed work at the grassroots, others are the involved in major community relations organisations.

Twelve of those whom we approached to provide formal recorded interviews declined. In each case this was due to fear of being identified despite assurances of anonymity being given to those who sought it. Participants were given the opportunity to review their transcribed interviews prior to them being circulated to the report's authors. At this stage some decided to withdraw consent for their contribution to be included and others chose to resubmit with amendments to their comments. In the end around 60 of the recorded interviews were drawn on to inform the arguments we put forward, though not all who participated are quoted directly.

Given the importance of social media, we have also drawn on analysis of some of the publicly accessible blogs, Facebook pages and Twitter accounts of those who lived out the protest in cyber space. In terms of quantitative data, the Public Prosecution Service provided details of cases relating to the flags dispute up until November 2014. The PSNI also provided statistical profiles as well as their records of events. Qualitative interviews were carried out with senior PSNI staff to capture how the police experienced the protest. A legal case which challenged the PSNI's handling of the street protests was analysed in great detail, as was the subsequent appeal hearing.

All of this fed into the evidence base we created. We had not approached this research in any *parti pris* way, and in presenting this report we believe we are bringing forward a dispassionate analysis of events. That said, we should admit to some limitations. As the maps in the report show, this protest took place right across Northern Ireland. We have not been able to build in any geographical weighting and so our interviewees come mainly from the areas where the protest was most intense, Belfast and south-east Antrim.

In writing up the report we have struggled, as writers always do, with the minefield of language to be used when describing Northern Ireland (or the North of Ireland); for instance we refer both to the Belfast Agreement and the Good Friday Agreement. In other words the report tries to be as neutral as possible in its language – in this way it is not very different from many other reports or pieces of academic research. Given the subject matter however we have had to address one additional semantic issue. In the report we talk of unionists and we talk of loyalists. The terms are distinct, though not mutually exclusive. It may be helpful here though to explain our usage of the two terms. Obviously all loyalists are unionists but not all unionists consider themselves to be loyalists. The term loyalism is in itself a quandary and has no distinct or easy to read meaning. In local parlance it can mean paramilitaries or working class communities. It can

refer to those who draw upon class-based analysis that would emerge from both left and right perspectives. It can be both sectarian and non-sectarian. The term loyalists can refer both to drivers of the peace-process and those opposed to it. For the purpose of this report it is used as a self-identifier. In that sense you will hear 'loyalist' voices from those who aimed for civil disobedience and those who cautioned against it.

Finally, this report only exists because of the support it has received from two agencies. The Northern Ireland Community Relations Council first funded a project to collect interviews with people who had been involved in one way or another with the flag protest. The Department of Foreign Affairs in Dublin then resourced a multi-disciplinary research team to gather evidence and produce a report which would help illuminate issues related to the reconciliation agenda. Finally, the Community Relations Council stepped in once more to fund the printing of this report. It is our hope that greater understanding of this particular episode of cultural contestation will help facilitate better ways to accommodate the differences when they arise in the future.

## 2. WHY ARE FLAGS IMPORTANT?

### 2.1 Symbolic contest in Ireland and Northern Ireland

The display of flags, emblems and bunting is an important ritual activity. Flags and emblems form part of many people's political and cultural identity. Indeed, any place or event deemed important to the state is likely to be demarcated by the use of the national flag at specific times and because of this, the display of flags is always accompanied by a set of rules. In short, they become expressions of identity, often positioned within highly emotive aspects of a group's past although meaning is not static. The meaning given to a flag is dependent on who is viewing it, when and where. It is even possible for people to attach different meanings and different emotions to a flag, yet still share an allegiance to it.

In part because they are important, there are occasions when the meanings of the symbols, and therefore the use of the symbols, becomes contested. Politics is therefore full of what we might call symbolic contestation. The sharing of symbols can unite people, give them a sense of belonging, a sense of pride and a sense of togetherness. It can give a sense of identity and security to people in a world of diversity and divisions. But because symbols are important they are also contested. When they bring security to some, they are understood by others as making them less secure. Flags for some are signifiers of community integrity, but for others they are symbols of their exclusion. This is why it is sometimes effective for important state symbols to be kept 'clean' of politics, and why other state symbols are contrived to represent several identities. The Union flag was originally conceived as such a symbol.

For the Act of Union in 1801, when Ireland was incorporated into a political union with England, Wales and Scotland, a new flag was invented, or rather an older symbol was adapted: the Union flag. The flag that symbolised the Union between Scotland and England, the Cross of St Andrew and the Cross of St George was adapted by adding the Cross of St Patrick, to represent Ireland. Through the nineteenth century the Union flag was used by the state on official occasions. In parts of Ireland the Union flag would have been rarely seen and its use by the state would have been judicial; in other parts of Ireland, particularly the north and increasingly in the latter half of the nineteenth century, popular use of the Union flag became more important for the state, due in part to the rise of Irish nationalism.

The history of Northern Ireland is full of examples of symbolic contests. Contestation has led to a catalogue of violent attacks on symbolic places: churches, cemeteries, memorials, Orange halls, schools, and sports clubs. Such violence is but one manifestation of ongoing symbolic contestation. There have been disputes over the naming of buildings, streets and towns, over parades and protests, over the playing of national anthems, over the wearing of sports shirts, over displays of different types of flower (lilies and poppies), over the images on banners and murals, over commemorative events, over the visits of dignitaries, over uniforms, and, of

course, over flags.<sup>2</sup> The disputes over flags are numerous in the extreme: flags flying (or not) over government buildings, flags flying over churches, carried in protests, placed in shop windows, flown from pubs and houses, flown at sports events, flags flying on lampposts and flags taken down from lampposts, Tricolours carried on St Patrick's Day, Union flags flying on St Patrick's Day, flags on police stations (or not), flags on interfaces, flags on bonfires and flown at murals, even flags on the tail wings of airplanes. Such disputes have resulted in everything from heated debate to riots and murder.

When the decision was made to restrict the days the Union flag flies on Belfast City Hall on 3 December 2012, the outpouring of anger was not unusual. Despite media depictions and commentary, it is safe to say that the flag protest was utterly *typical* of Northern Ireland politics. If anything it is a crisis that appears in nearly every decade post-partition. In 1922 the Civil Authorities (Special Powers) Act was used to control demonstrations and symbolic displays deemed to be a threat to public order. New legislation, when produced, might have appeared impartial but in effect it regulated symbolic contest in favour of Unionism. For example, the Public Order Act (Northern Ireland) 1951 introduced regulations for parades that were 'non-customary', that is traditional, loyal order parades. The coronation of Queen Elizabeth II in 1953 produced a series of disputes over the flying of flags.<sup>3</sup> One incident seems to have particularly influenced discussions on the displays of flags. After three houses in Derrymacash put up Union flags, Catholic neighbours put up 11 Tricolours. The police persuaded all to take down their flags so as to not escalate the situation.<sup>4</sup> Patterson argues that this solution arrived at by the police infuriated hard-line unionists.

In 1953 due to a series of such incidents, pressure was put on Prime Minister Basil Brooke to enact the Flags and Emblems (Display) Act (Northern Ireland) 1954. Part 1 of the Act made it a criminal offence to interfere with any display of a Union flag. Part 2 empowered police officers to take action against anyone using a flag or emblem in a way that might cause a breach of the peace. Effectively the legislation ensured that there would be no circumstances under which the Union flag could be removed. The Royal Ulster Constabulary (RUC) were dissatisfied and felt that there were occasions when the preservation of order would entail the Union flag's removal. A senior RUC officer tried to persuade Home Affairs Minister against a piece of legislation that came to be used with remarkable inconsistency.<sup>5</sup> Perhaps the most infamous utilisation of this legislation was on 28 September 1964. Reacting to pressure from Ian Paisley, who had threatened to remove a Tricolour displayed in a Republican Party window in Divis Street, the RUC undertook to remove the flag. This resulted in serious rioting and the return and then forcible removal of the flag. At the same time a Tricolour displayed in a Republican Party

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<sup>2</sup> Bryson, L and McCartney, C (1994) *Clashing Symbols: A Report on the Use of Flags, Anthems and Other National Symbols in Northern Ireland*. Belfast: Institute of Irish Studies; Jarman, N and Bryan, D (1998) *From Riots to Rights: Nationalist Parades in the North of Ireland*. Coleraine: Centre for the Study of Conflict; Morris, E (2005) *Our Own Devices: National Symbols and Political Conflict in Twentieth-Century Ireland*. Dublin: Irish Academic Press.

<sup>3</sup> Bryson and McCartney (1994) pp.144-147.

<sup>4</sup> Bryson and McCartney (1994) pp.145; Patterson, H (1999), 'Party versus Order: Ulster Unionism and the Flags and Emblems Act' *Contemporary British History*, Vol.13, No.4 pp.105-129, p.109.

<sup>5</sup> Purdie, B (1990) *Politics in the Streets: The origins of the civil rights movement in Northern Ireland*. Belfast: Blackstaff Press; Bryson and McCartney (1994) pp. 146-149; Jarman and Bryan (1998) pp.55-56.

window in Newry remained untouched.<sup>6</sup> This piece of legislation was used intermittently right through the 1970s and 1980s but was finally removed under a new Public Order Act in 1987.

There are many examples of symbolic contestation during the post 1968 period. When placed next to the ongoing violence issues they take a lower public profile. Morris notes that in the 1970s, particularly around events such as the Ulster workers strike in 1974, there was an increase in the use of the Northern Ireland flag. In 1985 as Unionist anger grew over the Anglo-Irish Agreement Unionist MP Harold McCusker was quoted as saying he might never fly the Union flag again.<sup>7</sup> In the early 1980s, connected to the politics of the Hunger Strikes, Republican murals increasingly appeared in nationalist areas, and the public space became home to more assertive statements of national identity.<sup>8</sup>

In the 1990s there was a significant development of memorials, particularly as a reflection of the paramilitary ceasefires after 1994. All the paramilitary groups became involved in developing memorials, usually without planning permission, giving recognition to the suffering of their members. Also in this period employment legislation and the Fair Employment Commission's Code of Practice developed a 'good and harmonious working environment'.<sup>9</sup> This led to a range of different disputes including a walk outs by workers at Shorts Brothers due to the companies insistence that the Union flag had to be removed from its building.

In 1993 the main Internment parade was allowed to gather in front of City Hall and Irish Tricolours were placed upon the statue of Queen Victoria. Irish republicanism could now hold events in Belfast City centre and in 1998 Belfast saw Tricolour waving at the first St Patrick's Day parade in the centre of the city. But of more significance was a shift in policy on policing Orange parades. The route of the Drumcree Church parade, held on the last Sunday before the Twelfth in Portadown, had been in dispute since at least 1985.<sup>10</sup> Jack Hermon, Chief Constable from 1980-89 showed his distaste for the loyal orders draining of valuable policing resources and in the 1980s the RUC undertook a tougher line on some parades.<sup>11</sup> In 1995 the RUC, to the surprise of the Orange Order in Portadown, stopped the Drumcree parade from returning along the Garvaghy Road through a mainly Catholic estate. The dispute that followed would continue for two decades, cost, at least directly, 5 lives and many millions of pounds. Other parading disputes in Derry, Belfast, Bellaghy and Ballycastle and in a number of other rural areas at times seemed to threaten the peace process. This was symbolic contestation of a magnitude even Northern Ireland had not witnessed before: a proxy war of cultural symbolism paralleling the peace process. The Public Processions (Northern Ireland) Act 1998 saw the introduction a Parades Commission to make determinations on aspects of parades including the route. The existence of this organisation has been a source of resentment to many unionists ever since.

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<sup>6</sup> Bryson and McCartney (1994) p.147.

<sup>7</sup> Morris, E (2005) *Our Own Devices: National Symbols and Political Conflict in Twentieth-Century Ireland*. Dublin: Irish Academic Press, p.204.

<sup>8</sup> Rolston, B (1991) *Politics and Painting: Murals and Conflict in Northern Ireland*. London: Associated Universities Press.

<sup>9</sup> Morris (2005) p.207.

<sup>10</sup> Bryan, D, Fraser, TG and Dunn, S (1995) *Political Rituals: Loyalist Parades in Portadown*. Coleraine: Centre for the Study of Conflict; Ryder, C and Kearney, V (2001) *Drumcree: The Orange Order's Last Stand*. London: Methuen.

<sup>11</sup> Ryder and Kearney (2001) pp. 80-81.

## 2.2 Symbolic contestation after the Agreement

The 1998 Agreement contained one paragraph on the problem of symbols. Under the section entitled *Economic Social and Cultural Issues* it says:

All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.

Next to the achievements around the setting up of the political structures and institutions and the more immediate issues of prisoner releases, decommissioning, and the reform of policing, the section on symbols seemed to be unimportant. However symbols pervade most other areas of conflict transformation; during the reform of policing, for example, enormous amounts of energy were taken up over arguments about changes to the RUC uniform and badge. In this case and also in the example of the symbols used by the Northern Ireland Assembly, agreement was found. Creative approaches to symbolic contests can effectively resolve problems. There have also been similar successes at community level regarding re-imaging wall murals and the management of 11<sup>th</sup> night bonfires. So many years on from the Agreement, direction is increasingly provided in relation to disputes over symbols, such as the discussion papers produced in 2013 by the Northern Ireland Human Rights Commission on both flags and parades.<sup>12</sup>

The 1998 Agreement clearly demands of the Government ‘need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division.’ The implications of this are reflected in the regulations that presently cover government buildings. Although this regulation does not apply to local Council buildings, public authorities do have to have regard to section 75 (1), to promote equality of opportunity, and section 75 (2), to promote good relations, as well as the Fair Employment Code of Practice in Northern Ireland. These duties have been reflected in the debates held in local Councils since 1998. In making decisions the authority must give consideration to the range of rights discussed above.

Displays of flags and emblems are covered by a range of legislation and policies dependent upon the context in which the flag is flown. The Northern Ireland Human Rights Commission (NIHRC) has produced an overview of the legal contexts within the broadest context of international human rights instruments. As well as the most obviously applicable rights such as freedom of expression and freedom of assembly, all public authorities are subject to a range of obligations in international treaties. The Northern Ireland Act 1998 requires that all policies of Departments are compatible with the European Convention on Human Rights and are compliant with other international obligations (S24[1] and S26 of the 1998 Act). Consequently, under a number of

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<sup>12</sup> Northern Ireland Human Rights Commission (2013) The Display of Flags, Symbols and Emblems in Northern Ireland. [http://www.nihrc.org/Publication/detail/the-display-of-flags-symbols-and-emblems-in-northern-ireland1\\_\(date accessed 1Dec14\).](http://www.nihrc.org/Publication/detail/the-display-of-flags-symbols-and-emblems-in-northern-ireland1_(date%20accessed%201Dec14).)

international legal instruments, the right to culture, the right private and family life, to freedom of thought, conscience and religion, the right to equality and non-discrimination, to access of services, to tolerance and mutual respect, and to the protection of minorities can all be considered relevant.<sup>13</sup> Depending on the context different aspects of rights are invoked. A Union flag on a government building is in a different context to one flying on a lamppost and in a different context again if hung from a house, but on public view, and different again from being hung in someone living room. We focus in this analysis on the matter of flags flown by governments and public authorities on or over public property.

At present policy over flags flown in public spaces is governed by the Joint Protocol in Relation to the Display of Flags in Public Areas. The document sets out 'an agreed partnership approach in dealing with flags issues between the Police Service of Northern Ireland, the Department of the Environment, Department for Regional Development, Department for Social Development, Office of the First Minister and Deputy First Minister, and the Northern Ireland Housing Executive.' The document provides agreement for these agencies to work together but provides minimal detail of how this might be done except for the general point that if flags are causing 'community tension' - which is not defined - then the PSNI is the lead agency.

The Protocol highlights the relevant sections of the Human Rights Act and it then sets out a 'strategic and graduated approach' to improve the environment by removing displays of paramilitary flags or flags of a sectarian nature, but it gives little details as to how this would be achieved. It then makes some ambitious aims, including seeing the removal of all flags and emblems from arterial routes and town centres. The effects of the Protocol have been minimal, however, and attempts since to develop an alternative policy have failed. Although the Haass process of 2013 usefully underscored the connectivity of flags with parades, commemorations, memorials, bonfires and dealing with the past, as yet a coherent policy response looks elusive.

The connected nature of these areas of symbolic contestation has been, perhaps unintentionally, recognised in the long running process for the Northern Ireland Executive to produce the replacement to *A Shared Future* which had been produced during a period of Direct Rule. The draft policy document *Together Building a United Community* was eventually produced in May 2013.<sup>14</sup> The document made one of its key priorities 'to create a community which promotes mutual respect and understanding, is strengthened by its diversity, and where cultural expression is celebrated and embraced.' It is interesting that in the document parades and flags appear under a section on 'Cultural Expression' not under the section entitled 'Shared Community' which deals with shared space including interface barriers. In the document it was suggested that Parties should 'Establish an All Party Group, with an independent chair, to consider and make recommendations on matters including parades and protests; flags; symbols, emblems and related matters; and the past'.

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<sup>13</sup> NIHCR (2013) pp.3-10.

<sup>14</sup> Office of the First and Deputy First Minister (2013) *Together Building a United Community*.  
<http://www.ofmdfmi.gov.uk/together-building-a-united-community> (date accessed 1Dec14).

The establishment of an all-party group was recognition that the Executive could not reach agreement on these issues even though the policy document had been promised for five years. The all-party group also struggled to come to any agreed solution on flags, parades or dealing with the past. Consequently, in the summer of 2013 the First and Deputy First Minister further outsourced the process by inviting former US diplomat Richard Haass and Meghan O’Sullivan to chair talks between the parties. Between September and December of that year yet another document was worked on to suggest policies and legislation. The section in the Haass document examining flags begins:

Flags are recognised around the world as powerful symbols of sovereignty and identity. When flown with respect for both the flags themselves and those who view them, flags have an appropriate and recognised role in defining official status, expressing affinity, and inspiring loyalty and goodwill, whether they represent a country, a community organisation, a sporting team, or myriad other entities. These various roles illustrate that debates surrounding the issue of flags go well beyond sovereignty to questions of identity, culture, traditions, language, and more.

Though the final Haass/O’Sullivan document never terms it as such, it is, in large part, dealing with symbolic contestation.

## 2.3 Post-Agreement divergent practice on flying the Union flag

As noted above, the Agreement itself has nothing specific to say about the flying of flags, but both nationalists and unionists have been able to use the document to support quite contrasting interpretations. For unionists the fundamental principle of consent was subsequently enshrined in legislative form by Section 1 of the Northern Ireland Act 1998; if Northern Ireland is “in its entirety” part of the UK then the flying of the Union flag on official buildings is the clear expression of its constitutional status. For nationalists, parity of esteem is the guiding principle. The idea of parity of esteem would support hoisting the Union flag and the Irish Tricolour on an equal basis. The unionist rejoinder is that the flying of the Union flag is a constitutional, not a cultural, issue. In that view, while parity may be sought on cultural issues the flying of the flag on official buildings denotes status not cultural preference.

The Agreement included a clause in the section on flags and emblems which stated: “Arrangements will be made to monitor this issue and consider what action might be required.” Between the years 2006-2010 OFMDFM funded a significant level of monitoring in terms of flags flying on lampposts and street furniture.<sup>15</sup> In terms of action, however, it was a legal loophole rather than any legislative provision which shaped the course of events. While custom and practice meant that, in Northern Ireland, the Union flag was flown outside the headquarters of all government departments, that arrangement had no legislative underpinning; it was simply a matter of ministerial discretion.

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<sup>15</sup> Bryan, D and Gillespie, P (2005) Transforming conflict: flags and emblems. Belfast: Institute of Irish Studies.



When this first Assembly created its executive in 1999, unionist controlled ministries ordered the flag to be flown in line with custom and practice. Unsurprisingly, the two Sinn Féin Ministers, Martin McGuinness and Bairbre de Brún informed their civil servants in their respective departments that no flag was to be flown. The controversy flared into life on Coronation Day in 2000 when, for the first time on this ceremonial occasion the flag did not fly at the education or health ministries – a decision that was characterised by UUP MLA, Michael McGimpsey, as “a denial of the consent principle, the building block of the Agreement. Sinn Féin ministers are in breach of the Agreement”.<sup>16</sup> Rehearsing the republican argument, Sinn Féin MLA Conor Murphy said “In order to reflect parity of esteem and the spirit of the Agreement, if people want to evoke British cultural symbols on a particular day then equal respect should be given to Irish cultural symbols”.<sup>17</sup> The Assembly agreed to set up a committee to try to resolve the issue, but its deliberations served to deepen disagreement.

### *The Flags and Emblems Act (2000)*

Secretary of State Peter Mandelson did not conceal his impatience with what when he stated that “there are enough differences between them without generating unnecessary ones”.<sup>18</sup> In May 2000 he introduced draft legislation in the House of Commons, stating that:

The principle of consent was a cornerstone of the Good Friday Agreement. As such, it must receive more than lip service.<sup>19</sup>

Draft legislation for the Flags and Emblems Act (2000) was subsequently sent for consultation, specifying the government buildings where the flag should fly, and reducing the number of ‘notified’ days to from 21 to 18. The notified days generally represented birthdays of the British royal family and, in a nod to nationalist sensitivities, the list excluded the 12<sup>th</sup> July and included St Patrick’s Day. Once the new legislation took effect, Sinn Féin presented their objections to the High Court, arguing that it was “not in keeping with the Good Friday Agreement”. Their case was rejected, with Judge Kerr ruling that the new legislation did not breach the Human Rights Act, the Good Friday Agreement or Section 75 of the Northern Ireland Act. His reasoning was that a designated days policy succeeded as:

That approach appears to me to exemplify a proper regard for ‘partnership, equality and mutual respect’ and fulfil the government undertaking that its jurisdiction in Northern shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions.<sup>20</sup>

However, the legislation concerned itself with specific government buildings but did not extend to local government. What this meant was that each of Northern Ireland’s 26 district councils was free, within the legal constraints of Section 75, to set its own policy on flags. Years later, when the flags dispute erupted, former First Minister David Trimble reflected ruefully on the

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<sup>16</sup> News Letter, 3 June 2000, ‘Mandelson warns over flags storm’.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> House of Commons Hansard for 16 May 2000.

<sup>20</sup> Re Murphy's Application for judicial review [2001] NIQB 34 (4 October 2001).

legal gap that had been created: “In hindsight that legislation should have covered civic buildings. But it wasn’t seen as a problem at the time which, of course, it is now”.<sup>21</sup>

## 2.4 The handling of the flag issue in local councils

For council officials the absence of any specific legal guideline on flags and emblems created an unwelcome problem. One official explained: “What councils are quite good at is complying with law. If we say ‘You have to do this’ they say ‘Why do we have to do that?’ If it’s actually in a statute that’s OK”.<sup>22</sup> In order to create a policy the councils had to first of all consider their duties under the terms of the Northern Ireland Act (1998), which came into force on 1 January 2000. Section 75(1) of the Act placed a statutory duty on all public bodies to have “due regard to the need to promote equality of opportunity”, while Section 75(2) placed a further duty on them to have “regard to the desirability of promoting good relations”. Since good relations had been given no legal definition, the councils looked for guidance from the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission. Neither agency was prescriptive in its statements; rather they advised that these were issues to be determined by each council and the sensitivities to be considered were context-specific. In its comments on the Justice (NI) Bill in 2002 the NIHRC set out its position:

The NIHRC takes no view on whether it would be appropriate for the courts to adopt symbols from both traditions, or a neutral symbol such as the scales of justice, because neither approach is demanded by human rights principles; equally it would, however, observe that neither approach would be inconsistent with human rights principles.<sup>23</sup>

The Equality Commission advised councils that, while the flying of the Union flag was a recognition of the constitutional position of Northern Ireland, the display of flags and emblems was one which required adherence to a range of other principles:

The Commission seeks to promote a spirit of inclusivity and mutual respect and urges the avoidance of contentious displays which act as a badge for community or political allegiance and promote division in the workplace ... the Commission recommends particular sensitivity concerning displays which are wholly or mainly associated with one section of the community.<sup>24</sup>

The Commission did not rule that the flying of the flag was of itself injurious to good relations; equally, it did not rule that *not* flying the flag would be injurious to good relations. Rather, it emphasised *the importance of context*, and how particular actions might be interpreted.

The tool that was used in each case to determine the impact on good relations was an Equality Impact Assessment (EQIA). The standard format as laid down by the Equality Commission

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<sup>21</sup> News Letter, 15 Dec 2012 ‘Trimble in designated days row’.

<sup>22</sup> Bryan, D (2006) *New Colours for the Orange State?: Finding Symbolic Space in a Devolved Northern Ireland*, in J Wilson and K Stapleton (eds) *Devolution and Identity*, pp95-110. Aldershot: Ashgate, pp.105.

<sup>23</sup> NIHRC on comments to the Justice (NI) Bill submitted to the House of Commons, 27 February 2002.

<sup>24</sup> Letter from Equality Commission to the Chief Executive of Fermanagh District Council dated 12 March 2002.

required a seven stage process to gauge the potential impact of any new policy and, after its introduction, a way to monitor for adverse impact. This process was hobbled by the absence of a definition for the term 'good relations' as it left it open for consultees to employ their own understanding of what might or might not improve good relations. In the case of EQIA for councils regarding flags and emblems, those consulted included council staff, the political parties represented on the council, the general public, visitors and user groups. Perhaps unsurprisingly, very different ideas emerged about how councils should implement their Section 75 obligations. The unintended and ironic outcome of the councils' attempts to implement good relations policies was, in each case, the widening of the division between the nationalist and the unionist parties.

In the absence any Northern Ireland-wide legal imperative, the flags policy of each council was determined by its political balance. In 2012, when Belfast City Council approached the vote on its policy, the breakdown of policies in the other councils was as follows:

- 8 councils flew no flags;
- 2 councils flew a neutral 'civic' flag;
- 10 councils flew the Union flag every day at one or more buildings;
- 3 councils flew the Union flag on designated flag days plus a small number of additional specified days at one or more buildings;
- 2 councils flew the Union flag on designated days at the headquarters building only.

What is striking about this pattern in the light of subsequent events is that the 'designated days' policy was not anathema to all unionists. Three councils with unionist majorities, Ballymoney, Lisburn and Craigavon, operated a designated days policy (with some additional days incorporated), and did so in the belief that this was in keeping with local government custom across the UK.

## 2.5 The symbolic and cultural environment of Belfast City Council

City status had been awarded to Belfast in 1888 by Queen Victoria and when the City Hall was built in 1906 her statue was placed on a plinth at the front of the building. King George V visited it on the 21 June 1921 in order to inaugurate the new parliament. One unionist commentator locates the symbolic significance of this moment:

the occasion as well as the building itself represented the success of Unionism in defending the birth right of British citizens against its enemies and lay in remembrance of the human losses on the fields of France in the Great War of 1914-18.<sup>25</sup>

The links to the British Armed Forces was given further expression by the Cenotaph on one side of the City Hall, while the statuary on the other side memorialises the Titanic and Sir Edward Harland, who was founder of Harland and Wolff shipyard and, in his later years, a Unionist Lord Mayor and strong opponent of Home Rule. The symbolic expressions of loyalty to empire and

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<sup>25</sup> <http://www.openunionism.com/how-the-flag-was-brought-down-from-belfast-city-hall> (date accessed 1Dec14).

industry were in keeping with Victorian sensibilities found in most British cities of the time. In the case of City Hall, it was not just the memorials around the exterior of the building that appeared to represent British identity: the internal decorations could be seen to express the same predominance. Growing controversy about this cultural environment reflects Belfast's shifting demographic and political landscape in more recent times.

Between October 2001 and September 2011 the Council received seven letters of complaint concerning the character of displays. In each case the complaint was about the preponderance of unionist/British symbols. A Memorabilia Working Group was established and, following guidelines issued by the Equality Commission, it agreed that the major public areas within the City Hall building, such as the Marble Reception Area, the Banqueting Hall and the Rotunda, should be kept free from any *permanent* memorabilia which could be constructed as partisan thus allowing for a greater diversity of expression in temporary exhibitions of installations. That nuanced position still failed to grasp the nettle of British cultural preponderance. As the minutes of the Council meeting of the 15 April 2011 record, there was still a need to address "the current imbalance in the City Hall memorabilia." This was the symbolic landscape – and debate – within which the flags dispute emerged.

In 2002 Alex Maskey became the first Sinn Féin Lord Mayor of the city. He symbolically placed the Union flag and the Tricolour together in the Lord Mayor's Parlour to demonstrate the principle of parity of esteem. He did not have the authority to make changes to the flag on the flagpole outside the City Hall – Sinn Féin may have become the largest party but it did not possess the electoral arithmetic to effect a change of policy. The Lord Mayor's Parlour however is regarded as a private office within the council building. When Alban Magennis (SDLP) was Lord Mayor in 1997 he removed the flags within the parlour to demonstrate the principle of political neutrality.

Neutrality was also a concept that attached to the City Hall as a workplace. In 2000 an employee had successfully taken a case to the Fair Employment Tribunal, alleging that the display of a portrait of the Queen in one of its cleansing depots represented unfair discrimination against him on the grounds of religious and political opinion.<sup>26</sup> This decision helped to prompt a review of BCC policy and in October 2002 the first EQIA was begun. At that time the practice was to fly the flag:

- On the mast outside the City hall on a permanent basis
- On designated days outside the Ulster Hall and the Duncrue Complex (the latter houses offices, workshops, storages and depots for a range of Council services).

The scope of the EQIA covered all three buildings, and covered flag policies as they related to employees, the general citizenry and to visitors. The final draft did not go forward to the Policy and Resources Committee until March 2004 and was agreed by the full Council in May 2004. It included advice from Senior Counsel (Mr Nicholas Hanna, QC) which supported the judgement

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<sup>26</sup> Johnson v Belfast City Council, Fair Employment Tribunal, 2000.

of the High Court in 2001, and ruled that the flying of the flag on designated days was in compliance with the Council's equality duty:

It is unlikely that a tribunal would fault the Council if it chose to fly the Union flag on the City Hall on designated flag days. Such a practice would be consistent with the practice of many public bodies, including councils, throughout the United Kingdom.

Furthermore, Senior Counsel's advice was that the existing practice of flying the flag all year round could be seen as being in breach of the equality duty:

in the absence of some good reason (which to date has not been articulated) there is a degree of risk that the flying of the Union flag at the City Hall on days other than the designated flag days and at other premises even on designated days only, could be held to infringe the concept of a neutral working environment for those who work in the other buildings.

Opinions were also taken from the political parties represented on the Council, the Equality Commission, focus groups with staff and commercial suppliers. There was also allowance made for complaints to the Council about the flying of the flag, but at the time when the first EQIA was submitted no complaints had been received. At its meeting in May 2004 the Council decided not to introduce any changes to the existing policy. That put a temporary end to the quarrel, but not to the broader issue of cultural policy. The first EQIA was in fact just the beginning of a series of developments relating to the expression of unionist and nationalist cultures within the City Hall. In the period following the first EQIA, City Council policy was shaped through a series of linked, but nonetheless discrete, policy statements which included: the Good Relations Strategy (2004), Corporate and Business Plan (2008-11), and Growing A Shared City Project (2010).

The policy direction had moved from an emphasis on neutral (and therefore safe) environments to one where cultural diversity could be recognised and valued. This was in line with larger scale policy initiatives, such as the framework introduced in 2005 under Direct Rule, *A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland*. This document attempted to set out the terms for a 'society where there is equity, respect for diversity and recognition of our interdependence (Para 1.2.1) and where shared civic space could be developed by "freeing the public realm from threat, aggression and intimidation while allowing for the legitimate expression of cultural celebration" (Para 2.2). While *A Shared Future* was not embraced by the NI Assembly, its emphasis on relationships, rather than legislative requirements, was continued on in the 2010 consultation paper *Cohesion Sharing and Integration* and the policy that finally resulted in 2013, *Together –Building a United Community*.

### 3. HOW EVENTS UNFOLDED

#### 3.1 The build-up to the vote: inside City Hall

On 5 May 2011 local government elections were held across Northern Ireland, and in Belfast the results shifted the political balance of unionism and nationalism on the Council. During the previous decade the city had experienced a 4 per cent increase in the share of Catholics living within the city (136,000) and in the same period a 12 per cent decline in the number of Protestants (119,000). The city was now (in sectarian-head counting terms) majority Catholic. Unsurprisingly the combined nationalist seats on BCC increased from 23 to 24, with unionism's share, falling from 24 seats to 20. Unionists had been shy of an overall majority since 2001, but had nonetheless remained the largest bloc, with Alliance holding the balance of power. The 2011 elections allowed nationalism the largest share of seats, but with 24 seats out of 50 it too remained short of an overall voting majority; so once again Alliance held the balance of power, but with its number of seats doubled from 3 to 6.

|                      | Percentage of first preference votes cast |       | Number of Councillors |      |
|----------------------|---|-------|-----------------------|------|
|                      | 2001                                      | 2011  | 2001                  | 2011 |
| Sinn Féin            | 28.4%                                     | 29.4% | 14                    | 16   |
| Ulster Unionist      | 18.3%                                     | 8.6%  | 11                    | 3    |
| Democratic Unionist  | 18.1%                                     | 23.5% | 10                    | 15   |
| SDLP                 | 17.4%                                     | 13.8% | 9                     | 8    |
| Alliance             | 6.8%                                      | 12.7% | 3                     | 6    |
| Progressive Unionist | 5.8%                                      | 2.8%  | 3                     | 2    |
| Others               | 5.1%                                      | 9.2%  | 1                     | 1    |

*Table 1. Results of elections to Belfast City Council, 2001 and 2011.*

Given its increased vote share, Sinn Féin felt emboldened to return to the issue of the flag. In March 2011, even before the local council elections, Sinn Féin Councillor Jim McVeigh wrote to the Chief Executive:

Over the past number of weeks and months, our Sinn Féin team in the council have received a number of complaints from constituents in relation to the current council policy of flying the Union Jack above the City Hall... It is very clear that a significant proportion of the City find this policy of flying the Union Jack at worst offensive and at best off-putting. Clearly some members of staff find the flying of the Union Jack intimidating also.

Six other letters rehearsing the same theme were received in the months before Councillor McVeigh wrote to the Chief Executive, who referred the matter back to the Strategic Policy and Resources Committee. The Committee decided to postpone any consideration of the issue until after the local government elections, and it was at the first meeting of the new Committee on

17 June 2011 that it was decided to commission a policy review. Two more EQIAs were undertaken, one on flags and one on “promoting a good and harmonious environment”. The views of all the political parties were sought, the opinions of employees were canvassed, there was a public consultation and advice was sought from the Equality Commission, the Human Rights Commission, and from Senior Counsel.

The predominance of unionist culture was reflected in a number of consultations and surveys conducted as part of the EQIA. A survey of visitors conducted in September 2011 found that:

In general, Protestant visitors from Belfast found the City Hall to be welcoming ... while a significant proportion from the Catholic community gave strong indications that a chill factor continues to be felt.

The same pattern was to be found in survey of Council staff. Only 3.4 per cent of Protestant staff agreed with a statement that ‘members of my community would feel unwelcome or offended by displays and exhibits within the City Hall and its grounds’, while 35 per cent of Catholics agreed with this view. The problem was expressed in forceful terms in the final EQIA document *Belfast City Hall - Promoting a Good and Harmonious Environment*, issued in November 2012:

At the present time, there is an accumulation of material that naturally reflects the predominantly white, male, Protestant and unionist history of the City Hall, the business of the City, the governance of the City and its Council. This impression is compounded by military regalia stretching back to Victorian times; in the main, this focuses on only one identity.

There was also a public consultation but it was conducted alongside the other EQIA consultation on the flying of the flag, and the broader issue of memorabilia tended to be eclipsed by the focus on the latter issue. As the EQIA notes: “For example, during the two public meetings almost the entire discussion focused on the flying of the flag, and where comment was made on displays in the City Hall these comments tended to be non-specific”.

As a result of these somewhat contradictory messages from the various constituencies the EQIA report decided against a very detailed programme of change, and opted instead for adherence to a broad principle of ‘supplementation but not removal’. Such changes would be incremental rather than dramatic, and crucially, there would not be the symbolic removal of any part of the Protestant/ unionist heritage in Belfast City Hall. The decision on the flying of the flag followed a very different course.

### *The EQIA on the flying of the Union flag on City Hall*

As described above, the EQIA on the promotion of a good and harmonious environment proved less controversial than it might have been, simply because the flag issue became the focus of the debate for both nationalists and unionists. The focus was even more precise: while the EQIA had been set up to consider the flying of the flag at three venues – the City Hall, the Ulster Hall

and Duncrue – two of the three were disposed of fairly quickly in the EQIA final report. The legal opinion and the opinion of the Equality Commission had pointed in a clear direction. While there were arguments to justify the flying of the flag at the City Hall, these could not be extended to other council buildings, and the Council would be at risk of legal action if it continued with the flying of the flag at the Ulster Hall or Duncrue. The consultancy firm which had drawn up the EQIA, Policy Ark, made a recommendation for the discontinuation of the practice at these locations.

The issue of the flag on the mast outside the City Hall presented a more complex issue. On this occasion the Senior Counsel Mr David Scoffield, QC, gave advice that reflected the previous legal opinion from Mr Hanna, QC, and the ruling from Justice Kerr about what would seem reasonable. Mr Schoffield's advice was that while the flying of the flag could conceivably be presented as intimidatory by a Council employee, a Tribunal would be unlikely to rule in favour of such a complaint. The designated days approach however seemed more risk-free:

A tribunal is unlikely to fault the Council for flying the Union flag at City Hall on designated flag days – since this would recognise the City Hall's place as the administrative headquarters of this body of local government, accord with the approach at government buildings generally and also accord with the approach adopted by a number of councils in Great Britain.<sup>27</sup>

The Community Relations Council submission was in line with this thinking, strongly recommending the designated days option "as the most reasonable way forward for promoting good relations". The Equality Commission had developed its thinking since the first EQIA in 2004 and in advice to employers in 2009 made a distinction between a neutral workplace, where all expressions of cultural attachment should be removed, and a harmonious workplace which allows for some expression of cultural allegiance:

This of course does not mean that working environments must always be devoid of anything that happens to be more closely associated with one or other of the two main communities in Northern Ireland ... In other words an 'harmonious' working environment does not necessarily mean a 'neutral' one.<sup>28</sup>

Furthermore, while it had previously considered a 'no flags' (or a civic flag only) policy to accord with the Council's good relations duty, a more nuanced interpretation offered to BCC during the EQIA process suggested that, in departing from custom and practice in order to move to a no flags policy it "would for instance be appropriate to consider the impact on good relations for the Protestant/unionist community of the change from the current flag policy to a no flags policy".<sup>29</sup> Although it was not made explicit, the same logic would apply to a designated days approach: while a policy might in itself seem the most reasonable approach, the departure from custom and practice could be seen as a rupture. It was nonetheless an option which the Equality Commission felt it could endorse.

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<sup>27</sup> Quoted in Belfast City Council, Equality Impact Assessment, Policy on the Flying of the Union Flag, Final Decision Report.

<sup>28</sup> Equality Commission Promoting a Good and Harmonious Working Environment, A Guide for Employers and Employees, October 2009.

<sup>29</sup> Letter from Equality Commission to Ms Hazel Francey, Good Relations Manager, Belfast City Council, 29 September 2011.



### *Public consultation, staff survey and party views*

There were also the views of the public, the results of a staff survey, and the submissions of the political parties to be considered. The first of these, the views of the local citizenry, proved difficult to assess. The consultation process on this EQIA covered a 16 week period ending on 1<sup>st</sup> October 2012. During the consultation period the Draft EQIA Report was available on the Council's website together with a questionnaire designed to facilitate responses to the five options that had been put forward. Two public meetings were held in the Ulster Hall on the 13<sup>th</sup> September 2012. The first, in the afternoon, attracted two members of the public; the second, in the evening, attracted only one. A greater volume of response came in written form. Altogether there were 879 written responses from members of the public (577 of which were completed questionnaires) and a petition containing 14,740 signatures.

The Council had an obligation to consider these, but the Equality Commission guidelines made it clear that a public consultation is not a referendum and the Council would not be bound by its findings. In the event, there were two further complications. The petition of 14,740 signatures, strongly in favour of retaining the flag, had been circulated at the Covenant Day event on 29 September and this is where many of the signatures were collected. It is not the practice of government bodies to process petitions which bypass the consultation procedure, and so the EQIA set aside the petition and focused on the written responses. The second complication was that not all of these responses had followed the EQIA questionnaire format and, in addition, there were some respondents who indicated more than one preference. Despite these problems a categorisation of the 879 responses was included, and it showed a polarisation of opinion, with very few supporting the compromise option of designated days. The breakdown was as follows:

- c. 350 people supported no change
- c.350 people supported flying the Tricolour alongside the Union flag whenever it is flown
- c. 150 people expressed a preference for no flag or a neutral flag
- Fewer than 10 people supported the option of designated days.

A similar polarisation emerged from the survey of staff. The same questions had been asked in 2003, allowing comparisons to be made from one period to the next. In fact there was little change, bar a slight increase in acceptance of the idea that the flag should not fly at the Ulster Hall or the Duncrue Complex.

| Which of the following policy options would you prefer? (All figures are %) |           |      |           |      |         |      |              |      |       |      |
|---|-----------|------|-----------|------|---------|------|--------------|------|-------|------|
|   | No change |      | Flag days |      | No flag |      | Neutral flag |      | Other |      |
|   | 2003      | 2012 | 2003      | 2012 | 2003    | 2012 | 2003         | 2012 | 2003  | 2012 |
| City Hall   | 56        | 58   | 12        | 10   | 11      | 10   | 17           | 15   | 4     | 8    |
| Duncrue   | 49        | 41   | 11        | 14   | 17      | 21   | 16           | 15   | 6     | 9    |
| Ulster H  | 50        | 42   | 11        | 13   | 17      | 21   | 16           | 15   | 6     | 9    |

*Table 2. Results of staff survey on policy on flying a flag on public buildings in BCC.*

Staff were asked to provide personal information in terms of their community background to allow the responses to be analysed further, and the results showed a clear sectarian divide. Almost three quarters of those from a Catholic community background (72.1 per cent) said the Union flag made them feel uncomfortable or offended and unwelcome. Almost all those from a Protestant community background (92.3 per cent) felt that it made them pleased and proud or comfortable. Almost three quarters of those from a Catholic community background (72.4 per cent) said they would feel highly satisfied or pleased if the Union flag no longer flew. The vast majority (88.1 per cent) of those from a Protestant community background said they would feel displeased or offended and unwelcome if this became the policy.

It was predictable that the views of the political parties would be equally polarised. Sinn Féin's submission included the view that "for Nationalists and Republicans the British Union flag is a symbol of foreign domination and represents generations of injustice, oppression, inequality, discrimination and violence". The DUP submission argued that "the flying of the Union flag on public buildings is not something that causes offence to the vast majority of nationalists; however, any attempt to curtail the flying of the Union flag on Council buildings will cause grave offence to the entire unionist community in Belfast and potentially irreparable damage to relations between the two communities". The Alliance Party argued for a designated days policy and also for the development of a neutral civic flag. The SDLP said it "remains committed to developing this issue in a creative and constructive manner but, in the interim, favours the option of flying no flags – this would not be a resolution of the issue but reflects realities without closing down opportunities". Unsurprisingly, the Ulster Unionist Party and the Progressive Unionist Party supported the flying of the Union flag; what is perhaps surprising in hindsight is the lack of strong attachment to the idea that the Union flag necessarily needed to be flown every day at the City Hall. While emphasising that the flying of the flag represents a constitutional reality, rather than a cultural preference, the UUP submission argued simply that "the Union flag should be accorded no less standing than in any other parts of the United Kingdom". The Progressive Unionist Party actually favoured the policy of designated days. Its submission, as summarised in the EQIA Final Report, was as follows:

- Northern Ireland is an integral part of the United Kingdom and the flag of a nation is a constitutional symbol;
- while this needs to be respected there is no requirement to fly the flag every day;
- it is our opinion that the Union flag should fly outside the City Hall, the Ulster Hall and the Duncrue Complex on the designated flag days plus the additional four days exclusive to Northern Ireland.

#### *The EQIA final report and the response of the Strategic Policy and Resources Committee*

Given this set of conflicting opinions from the various constituencies the EQIA Final Report submitted a set of four options for the Council to consider (the no flags and neutral flag options were collapsed into a single option). All four options were deemed "not to be unlawful" and "would promote good relations better than the current policy". The report acknowledged that it

would be impossible to define an option which would not cause offence to some people, but suggested to the Council that the policy options which best promote good relations were – in descending order of effectiveness:

- Designated flag days only;
- Designated flag days plus specified additional days;
- No flag or a neutral flag;
- Two flags.

These options were presented to the Strategic Policy and Resources Committee, along with EQIA document on Promoting a Good and Harmonious Environment. The gradualist approach of this latter document was accepted, and the Committee also accepted, by a majority of 13 to 7, that the practice of flying the Union flag at the Ulster Hall and Duncrue should be discontinued. The motion on the flag at the City Hall, proposed by Councillor Attwood (SDLP) and seconded by Councillor McVeigh (Sinn Féin) read as follows:

The Committee agrees to amend the current policy in relation to the Flying of the Union flag on Council-owned properties and that no flags be flown on the City Hall.

An Alliance amendment in favour of designated days was defeated by 18 votes to 2, with only the Alliance proposer and seconder voting in support. A unionist ‘no change’ amendment was defeated by 13 votes to 7. The original motion for no flags was then voted upon. All Sinn Féin and SDLP councillors voted in favour. All unionist councillors voted against and were supported by Alliance. The motion was carried by 11 votes to 9.

That vote may have annoyed unionists, but in itself it was not enough to alarm them. The voting arithmetic in the Council was different to that of the Committee, and if Sinn Féin continued to oppose designated days, and Alliance continued to oppose a no flags policy, then there would be insufficient votes to effect change. What did set alarm bells ringing in unionist circles was the rumour that Sinn Féin was preparing to shift position and support a designated days position. This had not previously been considered a possible scenario: the idea of an Irish republican party voting to raise the Union flag to celebrate the birthdays of members of the Royal family had seemed to defy the law of political gravity. The rumour however turned out to be true, and on 3 December 2012 Sinn Féin voted at the full meeting of the Council in favour of the following Alliance motion, proposed by Councillor Hendron and seconded by Councillor Jones:

That the decision of the Strategic Policy and Resources Committee of 23rd November under the heading “Flying of the Union flag at the Belfast City Hall” be amended to provide that this Council should adopt the practice of flying the Union flag on designated days, as applied at Parliament Buildings. This reflects the agreed sovereignty of Northern Ireland confirmed in the Good Friday Agreement and accepted by all its signatories. By doing it regularly and with dignity, we recognise that we live in a society and City made up of people who are British, Irish and both. The designated days’ solution does justice to these principles; the agreement by all on British sovereignty; the fact of a shared

society; and the need for respect and avoiding all triumphalism and the arrangements currently operating at Stormont. It also reflects the preferred determination of the Equality Commission.

The *Belfast Telegraph* headline the following morning read: “The moment the vote was passed inside, all hell broke loose inside”.

### 3.2 The build-up to the vote: outside City Hall

#### *Positive and negative trends in community and political relations*

The violence that erupted at Belfast City Hall on the night of the vote, and the sustained protest that followed it, were unforeseen. This is not to say that latent discontents had not been observed. The immediate force field had shown both positive and negative developments contending with each other in ways that defy any simple narrative. To discount either one, the positive or the negative, can give a false read of a complex and fluid situation.

In October the Secretary of State was so encouraged by the reduction of the security threat that it was reduced, in GB, from ‘substantial’ to ‘moderate’. Buoyed up by such confidence, David Cameron announced in November that the 2013 G8 summit would be held in Fermanagh. The legislative programme of the Assembly had slowed, but the five main political parties were all committed to making the institution work. When the Assembly dissolved itself in March 2011 to prepare for elections, it was the first time for four decades that a devolved government had completed its term of office. At the DUP conference in November the First Minister set out a vision of a shared future, saying that now that the conflict was over the DUP would be actively reaching out to recruit Catholics. Gestural politics were in constant evidence. Peter Robinson attended his first GAA match, while Carál Ní Chuilín attended a football game in Windsor Park. In October 2012 a 25<sup>th</sup> anniversary event was held in Lisburn to mark the killing of UDA leader, John McMichael. On the platform was Danny Morrison, the Belfast republican accredited with the ‘armalite and ballot box’ formulation. He was given a respectful hearing. Events like these, both big and small, helped to build the sense that the Troubles were very firmly in the past.

The negative trends were in some cases like photographic negatives, showing the same events in an opposing way. The image of Martin McGuinness shaking hands with the Queen may have seemed like an iconic moment but there were unionists (and republican dissidents) who felt utterly dismayed to see such an exchange. Within a week of the Secretary of State lowering the security threat level in Great Britain dissidents struck again, killing a prison officer David Black – the first prison officer to be killed in 30 years. The month of July had seen a new flashpoint open up in inner north Belfast at St Patrick’s Catholic Church when bandsmen played a tune which was heard by some to be the sectarian tune, The Famine Song. In September loyalists rioted for three nights at Carlisle Circus. A total of 47 police officers were injured, and the judge presiding over the trials of the rioters said that the events ‘threatened anarchy’.<sup>30</sup> The marches

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<sup>30</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-19735570> (date accessed 1Dec14).

to commemorate the 100<sup>th</sup> anniversary of the signing of the Ulster Covenant brought the organisers into further confrontation with the Parades Commission, and the restrictions placed on bands going past St Patrick's led to further accusations about attacks on British culture.

The papers on 3 December, the day of the vote in BCC, also carried stories about a vote to be taken in Newry Council that same night. In 2001 that Council had voted to name the playground after an IRA hunger-striker, Raymond McCreesh. The decision had been severely criticised by the Equality Commission. The Police Ombudsman's report in 2011 had stated that one of the guns used in the Kingsmills Massacre of 1976 had been found in the possession of Raymond McCreesh. Unionist councillors had placed the name of the playground on the agenda for a re-consideration at the December 2012 meeting of the Council, but the twenty nationalist councillors, including five SDLP members, voted to retain the name. The upset over the naming of the Raymond McCreesh playground was not confined to the Newry area. It was experienced as a hurt by the unionist community across Northern Ireland and the debate leading up to it helped to frame the response to the decision by Belfast City Council. The flag coming down and McCreesh's name staying up made some unionists very sceptical about nationalist appeals for mutual respect.

### *Unionist mobilisation against the Alliance Party*

The success of Naomi Long for the Alliance Party in the 2010 Westminster election, at the expense of Peter Robinson, clearly smarted for sections of unionism. The Alliance 'yellow' of East Belfast on a pictorial map of election results jars with the ideal imaginings of Belfast unionism; from electoral dominance to the loss of two Westminster seats since 1998. The success of Naomi Long was not only to do with the individual politician's merits, the persuasiveness of the Alliance Party for many on polling day, or the failures of the DUP in the lead up to it; it also reflected a moment of crisis within unionism as working class voters chose to teach the DUP the hard lesson of not taking Protestant votes for granted. Moreover, such patterns were increasingly mirrored elsewhere beyond East Belfast, and served overall to contribute to the growing depth of feeling (if not number) of loyalists who felt unrepresented by the unionist parties, cynical about the role of progressive former paramilitaries in the peace process, and wholly distrustful of the path of post-Agreement transition in Northern Ireland. The issue of the Union flag on City Hall, however, offered unionism the opportunity to reconvene around a common identity and, more specifically, to openly challenge the commitment of loyalist voters to the Alliance Party's position of moderation.

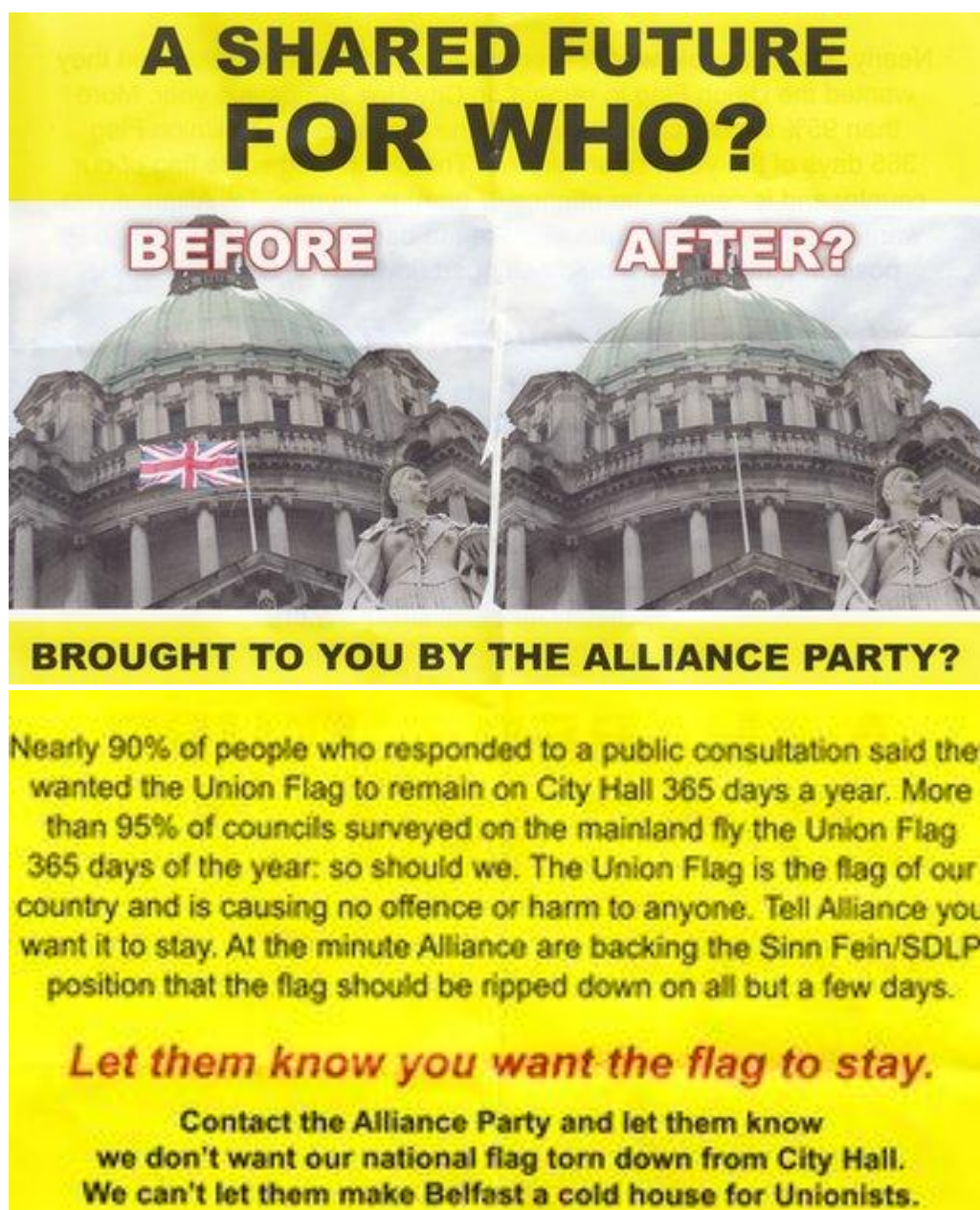
Even prior to these events coming to a head, and in parallel to the official equality audit on the matter, a "Save Our Union Jack" campaign group had been set up in June 2012 with a Facebook page and a Twitter account; but it was a more traditional form of political communication that caused the greatest public reaction in the lead-up to the vote. At some point in the early part of November – it has not been possible to establish a more precise date – leaflets were circulated in the Protestant areas of Belfast.<sup>31</sup> There was no 'imprint' to indicate which political party had

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<sup>31</sup> DUP MLA Nelson McCausland in his personal blog on 17 December rejected the idea the leaflets had only been distributed in East Belfast. He said they had been distributed across the city.



issued them, but they were printed in the distinctive yellow associated with Alliance and gave the name of the Alliance MP for East Belfast, Naomi Long, along with her contact details.<sup>32</sup>



*Illustration 1. Image of the leaflet distributed in east Belfast prior to the council vote.*

The text of the leaflet uses emotive language to suggest that Alliance was backing the position “that the flag should be ripped down on all but a few days”. It has been claimed that the leaflet was in fact a joint production by the DUP and the UUP, and that 40,000 had been distributed. If true, the two main unionist parties were sufficiently concerned by this prospect to enter into a rare piece of joint action, but the wording of the leaflet suggested something additional. In naming Naomi Long as the person to lobby, and by providing her phone and email details, the authors were channelling those aggrieved to challenge someone who did not in fact sit on BCC.

<sup>32</sup> The Electoral Commission requires the following: “An imprint must, by law, be added to campaign material to show who is responsible for its production. It helps to ensure that the campaign is transparent.”

Ms Long had relinquished her council seat in 2010 when she was elected to Westminster to represent the Belfast East parliamentary ward. On that occasion she had defeated the DUP leader, and Northern Ireland's First Minister, Peter Robinson. The loss of the seat had been a bitter blow for Robinson, and the Alliance Party immediately saw another agenda behind the leaflet on the flag: while its ostensible purpose was to defend the flying of the flag, in the eyes of the Alliance Party its real purpose was to turn the party into the perceived enemy of the unionist people of east Belfast. As stated by Alliance Councillor Maire Hendron: "I am absolutely disgusted at the level some of my counterparts on Belfast City Council have stooped to on this matter." The DUP rejected the imputation of any such motive, and dissociated itself from the abusive phone calls that Naomi Long's office received after the leaflet was circulated. Speaking to the BBC in mid-November DUP Councillor Christopher Stafford said the political and mathematical reality was that Alliance could make a difference to whether the flag continues to fly. He added the leaflets asked anyone contacting the Alliance offices to be "respectful at all times", and expressed astonishment that the party should complain about being contacted by voters who want to discuss its policy on an important issue.

As the political temperature rose in east Belfast, the Progressive Unionist Party announced a change of policy. Since Sinn Féin had joined forces with the Alliance Party, it said, it would stand against the designated days motion.

### 3.3 The night of the vote

On 3 December 2012 the atmosphere at the front of the City Hall was festive. The food stalls of the Continental Market offered hot snacks and drinks to Christmas shoppers and Christmas lights illuminated the building. At the back of the building, however, in nearby May Street, a crowd had begun to gather behind a Save the Union Flag banner, awaiting the outcome of the vote. A posting on the Save the Union Flag website had acted as the rallying call. It read as follows:

Bring a Union Flag with you to this peaceful protest, At the back Entrance to Belfast City Hall. The Alliance Party are voting to have our flag flown on Certain days only because its their policy. Lets show the Whole Country that we are British and Proud and to have our flag flying 365 Days a year is our right as British Citizens.

In addition, the more traditional medium of a printed leaflet was also pressed into service. In one corner of the leaflet an Irish tricolour had been positioned over the image of the City Hall with the message "We don't want this". Below in a jumble of lower and upper case type the message read:

We will fight for this, our Union Flag to stay at city hall. protest at city hall 3 december at 5.45pm, bring a friend and bring a Union Flag. we will save our Flag "NO SURRENDER"

The amateur nature of the leaflet was in contrast to the more professional pastiche of the Alliance leaflet produced previously, and can be taken as evidence of the grassroots nature of

the movement then taking shape. While social media was being used extensively to spread the word about the rally, it was also becoming a story in the mainstream media. The *Irish News* front page lead on 3 December carried the headline 'Loyalists threaten action over city hall flag row'. The paper reported that 'Thousands of loyalists are expected at Belfast City Hall tonight to protest against an expected decision to end the daily flying of the flag at one of the city's most prominent buildings'. The *Belfast Telegraph* on the day predicted a crowd of 2,000. Interviews with those protestors who were there that night suggest that they were mobilised by a combination of forms:

A lot of it was social media because we now have the technology and a majority of people are now on social media but a lot of it was surprisingly in the media. It was in the media on the news at 11 o'clock at night, or it was word of mouth – so word was getting about everywhere. (*Interview with 21-year old protestor from Rathcoole*).

We have discovered no evidence that those who attended this first protest were directed to attend by authority figures within paramilitary organisations, political parties or the loyal orders. In fact none of those whom later came to be seen as leaders of the flag protest were present at the City Hall on the night of the vote. Rab McKee, who went on to become chair of two of the key organisations involved in the protest, the Ulster People's Forum and the Protestant Coalition, recalls in an interview conducted for this report:

I wasn't down the first night they'd taken the flag down. We didn't know whether it was being taken down or not and I'd meetings so I'd have loved to be there, but never got the time. But from then on I got heavily involved in it.

As the crowd gathered, the mood appeared buoyant and good-humoured. The police on duty at the back of the City Hall were unperturbed by the first sight of the protestors as they did not appear to pose any kind of threat. In a statement the next day the PSNI said: "There was a very diverse crowd made up of men, women and children, buggies and wheelchairs... Police had no intelligence to suggest that there would be any violence." Numbers continued to swell but the atmosphere between police and protestors remained relaxed – that is, up until the vote was announced.

But the atmosphere changed that quick you couldn't believe it. I still remember there was a young policewoman there ...Her face dropped. You could tell that it had annoyed her. ... The police officers were on duty. They didn't have the riot gear and all on...It was very peaceful. It was a laugh. We were all singing and all and the police were laughing and we were laughing. It's strange to say this, but it was like a family atmosphere before we heard that decision. After the decision that was it – it all just changed. (*21-year old Rathcoole protestor*)

Those who had been doing the political arithmetic could not have been surprised. Given the balance of the parties, the outcome of the vote was never in doubt. That did not stop tempers



fraying within the council chamber. Indeed, the meeting started on a discordant note with a vote on whether to allow the press into the meeting. The press in question was a film crew from the republican paper *An Phoblacht* and the matter went to a vote. It was agreed to allow *An Phoblacht* in – as one DUP councillor said bitterly, to film “a republican victory”.<sup>33</sup> According to a caller to *Talkback* on Radio Ulster the following day, it was when one of the DUP councillors tweeted the news about the presence about *An Phoblacht* that the protest gathered at the back of City Hall became inflamed. The meeting continued in a series of hostile and combative exchanges. The leader of the Sinn Féin group in the Council, Jim McVeigh, explained the party’s rationale for voting to support the Alliance Party’s designated days strategy. “We will be voting tactically on this”, he said. “It’s time to close the circle ... and bring an end to unionist supremacy. This is 2012 not 1912”.<sup>34</sup> The motion was carried by 29 votes to 21. All the SDLP, Sinn Féin and Alliance Party members supported the designated days option while DUP, UUP and PUP members opposed it.

The DUP proposed a new motion: that the Union flag should fly permanently at the Cenotaph. Alliance had been unprepared for this move and proposed that it be sent back to a Council committee for further consideration. At this point the discussion was suspended because suddenly the crowd erupted into the courtyard and then into the building itself. The next morning’s *Belfast Telegraph* reported the drama of the situation at the moment when news of the vote made its way out to the crowd: “Suddenly a wall of noise could be heard from outside. Shouts could be heard from observers sitting in the public gallery ‘They’re storming the courtyard’.” Inside the chamber the DUP Lord Mayor, Gavin Robinson, appealed for calm. “But within an instant an alarm rang out and the chamber was cleared and the meeting adjourned. Now in lock down, councillors, staff, journalists and members of the public gathered under the impressive dome, watching as violence erupted outside.”<sup>35</sup>

The manner in which the crowd managed to break into the courtyard took everyone by surprise and created an immediate crisis. Why had this eventuality not been foreseen? Why was the PSNI not better prepared for this level of disorder, particularly given the way the protest had been so widely trailed on social media? PSNI Operations Superintendent Ken Pennington responded to this criticism as follows:

Well the problem with social media – the term is the three Vs. Volume. Velocity. But you’ve got no Veracity. You get a lot of stuff and it moved very quickly, but it’s like drinking water from a firehose. You have no way of assessing it. And I would suggest there’s a fair degree of hindsight bias in that assessment. (*Interview*)

The logistical problem with PSNI tactics on the night, and the reason why the protestors broke through the ranks, was that the Tactical Support Groups were positioned in reserve some distance from the building. The assumption was that ordinary, clothed officers could manage

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<sup>33</sup> *Belfast Telegraph*, 4 December 2012, ‘Moment vote passed inside, all hell broke out inside’.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

the crowd, but as Ken Pennington explains, once the numbers began to swell and the crowd pushed against the gates, the unexpected happened:

The gates didn't hold. The gates failed.

*Q: You mean –physically, the gates failed?*

Physically, the gates failed. So then we go from a situation where we have something we are going to manage to protestors now potentially – actually – inside the grounds of the City Hall, potentially going to enter the council chamber. A fire extinguisher is set off which, on the CCTV and in the words of one of the officers who were there actually looks like the building is on fire... The uniformed officers are brought in through the front to secure the quadrangle and there's some officers in there already. The Tactical Support Group come round to the back of the City Hall to move the crowds away from the gates which are now compromised. And that's it. That's how the blue touch paper was lit at the start of the protest.

As the riot spilled from the courtyard and out into the streets the scene became chaotic. Bottles, golf balls, metal bars and crash barriers were thrown at police and Land Rovers were attacked with flag poles. In total 15 PSNI officers were injured and one, a female sergeant, had her arm broken as she tried to push back the crowd. Two council staff were injured and a freelance photographer covering the protest for Associated Press had his head bloodied when he was hit by a police baton.

Assistant Chief Constable Will Kerr, who had been attending an event in Lisburn, also rushed to the scene and was disturbed by what he found. Interviewed for this study he accepted that the PSNI had misjudged their tactics on the night:

I think anybody who looks at that and saw what happened would need to be honest, professionally honest enough to say that on the night in question none of those protestors should have got anywhere close to the building itself.

The PSNI had tried to strike a balance between maintaining order and allowing space for democratic protest - a crucial balancing act, and one that was to remain key to the controversies over policing for the remainder of the flags dispute. He explains it as an operational decision made from a concern that a heavy police presence could have created a negative impact:

Even knowing there was some protest activity and there were a couple of TSGs placed down the back, and they were very mindful – and again with the benefit of hindsight – they were very mindful about the optics of having councillors arriving to do normal democratic business and having a TSG parked in the middle there – just how that would have looked and felt. And so they were conscious of that. Now I'm not using that as a retrospective defence.

The violence did not stop at the City Hall as it moved rapidly across the east of the city and then further afield. Police records show that protestors making their way back into east Belfast began throwing stones and breaking windows at the nationalist homes in the Short Strand area and that running battles had begun with police in other parts of the city. Later in the evening

police received a call from a woman who wished to report eight or nine youths walking on the Ballybogey Road in Ballymoney draped in Union flags. That was just before 11.00pm. At midnight a more sinister development was noted: suspicious behaviour at the back of the Alliance Party office on the Newtownards Road. Violence and the threat of violence had become part of the flag protest.

### 3.4 The first week of the protest

The decision to lower the flag was acted upon immediately. At 6.56 am the following morning it was lowered by a council official. An Phoblacht was there to film it and the image of the flag descending against a wintry dawn sky was posted on YouTube – much to the annoyance of unionists. Even without this provocation the temperature had already risen; the riot of the previous evening had only served to further enrage the protestors. No time was wasted in planning the next wave of protests. At 5.00am on Tuesday 4 December the Save our Union flag group tweeted this message:

Just received news there will be a peaceful protest at the Alliance office on the Upper Newtownards Road at 3.30 pm.

At 12.35pm the PSNI received a call reporting that the following tweet had been posted on a loyalist website:

The Alliance party office in east Belfast should be burnt to the ground.

On that occasion the office did not come under physical attack but a crowd of approximately 50 protestors mounted a hostile picket, draping the exterior with flags, posters and red white and blue balloons. Alliance members were warned by the PSNI about their personal safety. The Councillor for East Belfast, Laura McNamee, had a death threat posted on her Facebook account. She moved out of her house. The following day, 5 December, there was an attempted arson attack at the constituency office of Alliance minister, Stephen Farry, in Bangor. The home of a couple, Michael and Christine Bowers, both Alliance councillors in Bangor, was attacked. The next day's *Belfast Telegraph* put their frightened faces on the cover, staring out from a broken window that had been smashed by a paint bomb. Describing their situation the paper said:

As they talk to the reporter a shard of glass from their smashed front door hits the floor with a crash. The look of abject fear on their faces as, for a split second, they anticipate a fresh attack, is desperate.

The office of the Alliance Party in Carrickfergus was broken into and ransacked on 5 December after coming under sustained attack. A crowd of 1,500 – larger than the crowd which had attacked Belfast City Hall – gathered to block the city centre, and after it dispersed a small group went on to attack and finally to ransack the constituency office of Alliance MLA Stewart Dickson in West Street. On 7 December police informed Naomi Long there was a credible death

threat against her and advised her to move out of her home, and also not to go into her office on the Newtownards Road. On the Sunday night a 60 year-old Alliance councillor in Newtownards was woken by the sound of loud bangs in the house where she lived on her own. Four masked men had broken into the premises and were smashing the windows in her downstairs rooms.

Alliance politicians were not the only ones to receive threats. Within a week of the City Hall vote death threats were made against Gerry Kelly and Jim McVeigh from Sinn Féin, Conal McDevitt from the SDLP, and DUP members Jeffrey Donaldson, Edwin Poots, Guy Spence and First Minister Peter Robinson. All the threats were taken seriously but some were more credible than others. The unemployed man who made the threat to Peter Robinson found himself in court the next morning where he explained he had drunk 12 pints of cider before making the call.

The most serious incident occurred on Sunday 9 December outside Naomi Long's office. A police car was parked outside, offering security following the death threat made against her. At 7.35pm a group of about 15 men approached the car, smashed the driver's window and lobbed in a petrol bomb. A policewoman had to flee the car and after she and her fellow officer had fled the car was set alight. The PSNI treated the attack as "an attempt to kill" the officers.

In the days that followed violent protests began to spread out beyond Belfast and east Antrim. In Armagh a protest was followed by a march through the streets where, unimpeded by police, a crowd smashed windows in the Cu Chulainn bar and threw fireworks inside. Road blocks were erected in Dundonald, Lisburn, Ballyclare, Kilkeel, Ballycastle, Larne and as far west as Cookstown, Moneymore and Limavady. The most serious incidents however were in Belfast, where the police had to fight back crowds to keep the arterial routes open, and where water cannon had to be used to disperse crowd. At Shaftesbury Square, half a mile from the City Hall, riot police fought a crowd throwing bricks and missiles, and as these scenes repeated themselves across the city the injury toll amongst the police rose to 28 in the first week.

### *The Saturday Rally*

The first week also saw another significant development - the Saturday rally at the City Hall. On the 8 December protestors came from all parts of the city, with feeder marches from north, south, east and west coordinated through social media. When they congregated at the agreed time of 1pm it was quickly apparent that there was no plan for what would come next. There was no sound system, and no platform for the speakers – indeed, there was no sign of anyone being in charge or with the ability to marshal the crowd. The *Irish News* headline on the following Monday read: "City brought to a halt for farcical disorganised march". In one way, what did not happen was almost as significant as what did. Although there were loyalist leaders in attendance, such as Jackie McDonald, Billy Hutchinson, and Winston 'Winkie' Irvine, they remained on the sidelines. The megaphones were taken by Willie Frazer, the leader of the loyalist victims' group, FAIR, and former British National Party (BNP) member, Jim Dowson. No-one at this stage was able to present themselves as a leader of the flag protest and so, as Allison Morris reported it for the *Irish News*:

The protestors then made a circuit of the city hall, singing sectarian songs such as The Sash, the Famine Song and the Rangers' 'Bouncy' song as they went. When one protestor tried to introduce a bit of festive cheer by starting a rendition of Silent Night he was shouted down.<sup>36</sup>

### 3.5 The protest escalates

Monday 10 December marked the beginning of the second week of the protest. By this stage the coordinated road blocks were emerging organised through Facebook and Twitter, even though one main hub of communication, Save Our Union Flag, saw fit to protect itself against legal liability by carrying this message on its Facebook page:

This page was set up to show support for all the peaceful protests taking place. We do not organize protests.

Belfast City Centre Management began to post a list each morning of the location of the protests planned for that day, but they did not always take place as planned, as the Irish News reported:

Despite social network sites being flooded yesterday with news of planned mass demonstrations by loyalists, many failed to materialise. For much of the day Facebook and Twitter were being updated with reports at a series of locations – including outside Catholic schools – which did not happen.

The uncertainty and the sense of volatility fed unease. A sense of crisis was present even when there was no direct threat of violence. For example, the road blocks led to serious traffic disruption and to buses returning to their depots, and as a result city centre offices began to close early as workers were anxious about getting home. The *London Review of Books* carried an article by the journalist Peter Geoghegan, who described the reality of life in Belfast one week after the vote:

Apparently there were 43 illegal roadblocks in Belfast on Monday night. In a bar with Christmas lights on the ceiling, a hundred yards from a City Hall not flying the Union Jack, most drinkers were glued to their smart phones. The man beside me was scrolling through the #flegs hashtag on Twitter. (So was I.) His friend was trying to work out if his bus was running. In the end they decided to share a taxi home.<sup>37</sup>

While all of this may have seemed extraordinary to a visiting journalist, the situation was familiar to those who had lived through the 1974 Ulster Workers Council strike or the 1996 Drumcree protests, when the BBC and other public bodies routinely announced in advance where the illegal road blocks would be held. Another similarity was the sight of masked figures acting with impunity on main roads, directing traffic and threatening those who tried to object.

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<sup>36</sup> Allison Morris, Irish News, 'City brought to halt for farcical disorganised march', 10 December 2012.

<sup>37</sup> Peter Geoghegan, London Review of Books, 'In Belfast', 14 December 2012.

Reporting from a night on the streets, Allison Morris said that “police have facilitated rather than confronted the protestors”. She herself was threatened:

Terrified motorists have been threatened at blockades, something I witnessed at first hand. An Irish News photographer and I were threatened by a gang of masked thugs within yards of a nonchalant police officer.<sup>38</sup>

A Belfast-born journalist, Matthew Francey, working for the English online magazine The Vice, returned to the city to report first hand on the protest. He described how the police fought a full-scale battle with loyalist protestors on the Rathcoole estate in the north of the city. Then, as he and his companions set off to leave the estate the following happened:

As we left Rathcoole, we noticed we were being followed. Before that realisation had really set in, a guy jumped out of a bush with a machete and demanded our cameras. We’d already packed ours away in our bags, but a freelancer we were with had both of his taken.<sup>39</sup>

One week after the City Hall vote, the PSNI events log showed there had been a total of 339 ‘occurrences’.<sup>40</sup> Up to 28 police officers had been injured in rioting and 19 people had been charged, including three 13-year-old boys. It had been a chaotic week, but within that chaos a pattern was evolving which would hold for the next three months. The Saturday rally at the City Hall became a fixed event, local protests at neighbourhood level became a standard modus operandi, and Union flags and other loyalist flags began to proliferate on buildings and lampposts on all main roads. The Alliance party offices and personnel were the subject of ongoing violent attacks, and running through all this like a thread was the involvement of paramilitaries. In the week that followed the number of incidents rose from 339 to 441.

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<sup>38</sup> Allison Morris ‘Police should police, not facilitate’ Irish News, 8 December 2012.

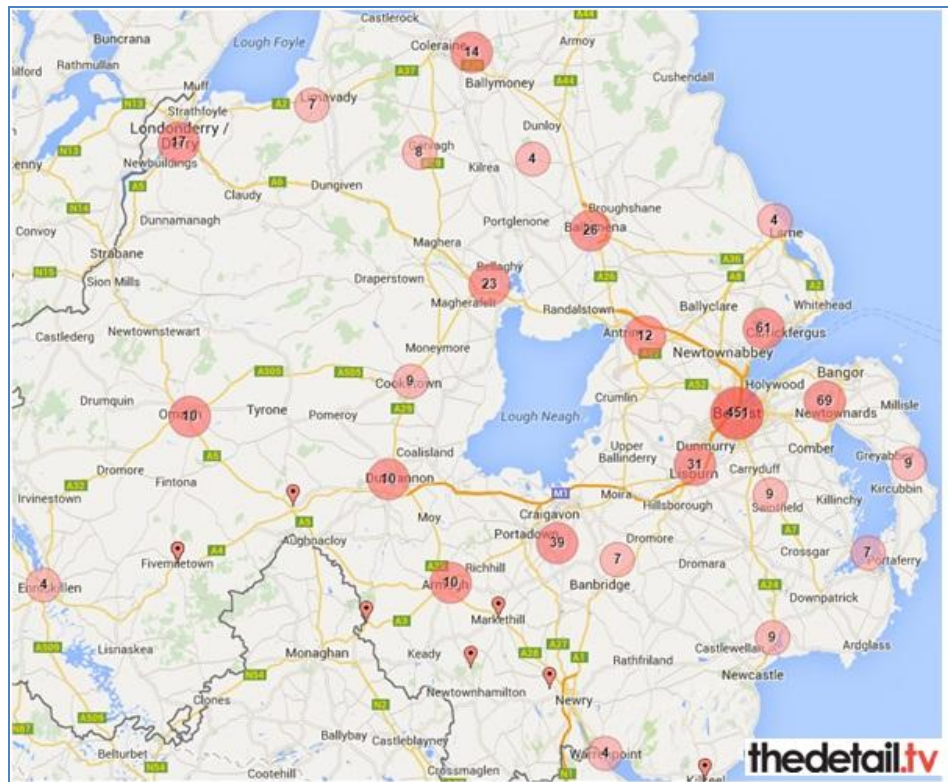
<sup>39</sup> Matthew Francey, ‘Belfast’s flag riots are setting my home town on fire again’ The Vice, 15 January 2013.

<sup>40</sup> As note ‘occurrences’ which relate to the flags dispute may include a crime (or multiple crimes), an incident (i.e. anti-social behaviour or suspicious behaviour) or a report of information.



## Geographical spread of the protest

3 December – 30 December 2012



25 February – 31 March 2013



The protests peaked in December with over 1,000 incidents in Belfast alone. By the end of February they had contracted with most of the protests confined to Greater Belfast.  
(Maps prepared by Kathryn Torney of The Detail).

### *Political reaction*

Mainstream unionism reacted by condemning the violence – often in strong terms – while at the same time expressing sympathy with the protestors’ cause. Thus, immediately after the attack on Naomi Long’s office, the First Minister, Peter Robinson, met with the leader of the UUP, Mike Nesbitt, and they issued a joint statement in which they deplored the attack. Peter Robinson also issued his own statement in which he said, “The attempted murder of a police officer in east Belfast was a despicable act of terror. The masked men responsible do not act in the name of our Union flag. They are bringing shame on it.” Mike Nesbitt was equally forthright. Both leaders said, in clear and unambiguous statements, that it was time for the protests to stop. The following day however the crowd of 150 which gathered outside Naomi Long’s office included a UUP MLA and a DUP MLA “in attendance”. The same day the Speaker of the Assembly, William Hay, said he would take part in the street protests – while insisting that the protests would have to be peaceful.

The perceived gap between the utterances of unionist leaders and the actions of their followers was regarded with mistrust by the Alliance party and nationalist politicians. There was also anger that the condemnations of violence were so frequently accompanied by statements which seemed to offer the perpetrators reassurance that their cause was just. Speaking in the Assembly the morning after the petrol bomb was thrown into the police car the Alliance leader David Ford said:

We are no longer talking about how many days the Union flag is flown on Belfast City Hall. We are now talking about the contest between democracy and the rule of law on the one hand and terrorism and fascism on the other hand. There can be no ifs, no buts and no qualifications in that debate.<sup>41</sup>

Some of the loyalist protestors reacted angrily, but for the opposite reason: they saw the condemnations issued by the unionist leadership as a betrayal, given that it was the UUP and DUP who had first mobilised on the issue. A class antagonism between working-class unionism and the unionist leadership – soon to become a defining feature of the protest – began to manifest itself in those first few days.

### *Early allegations of paramilitary involvement*

On Friday 7 December a Christmas dinner hosted by Newtownabbey Borough Council was besieged by loyalist protestors. As the Newtownabbey Times reported the incident:

Cars were burnt out at the gates of the council offices, others parked in the car park were damaged and DUP MLA Paul Girvan was stoned when he went out to try to reason with the rioters. Slogans about the removal of the Union flag from Belfast City Hall and a swastika were daubed on the wall of the shops at nearby Crescent Corner.

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<sup>41</sup> Northern Ireland Assembly Hansard, 11 December 2012



Paul Girvan alleged to the BBC that there was evidence of paramilitary involvement. He said that as far as he was concerned there was clear paramilitary orchestration, “Some figures well known to myself were there and have links to the UVF (Ulster Volunteer Force).”<sup>42</sup> His comments were a confirmation of what was being said elsewhere. On Thursday 6 December Henry McDonald, a Guardian journalist who has written books on loyalist paramilitaries wrote: “The Guardian has learned that members of the Ulster Volunteer Force from east Belfast and North Down have played a key role in many of the violent protests over the last three days”. PSNI Chief Superintendent, Alan McCrum, who had been in charge of operations at the City Hall on the night of the vote had pointed out that among the crowd were those who had arrived with bolt-cutters and who had masked up as the attack was made on the gates. The Chief Constable, Matt Baggott, provided a cautious assessment of the degree of paramilitary involvement in comments made on 6 December: “Some are involved as individuals, some are involved within their communities, but we will be looking very carefully to see whether there has been any conspiracy and degree of orchestration”.<sup>43</sup> Two days later Assistant Chief Constable Will Kerr presented the considered conclusion of the PSNI: “Senior figures in the UDA and UVF” are organising the violent protests. He said. “Police can now confirm loyalist paramilitaries are orchestrating some of the violence we have seen in the past 24 hours.”<sup>44</sup>

### 3.6 Political reactions: support, alarm and ridicule

The removal of the flag and the street disorder that followed immediately polarised opinion. Provocative expression of those mutually antagonistic opinions then served to widen divisions even further. On the night of the vote, a senior Sinn Féin member, previously designated as a liaison person to the unionist community tweeted:

It flew for a 100 years 365 days a year, but it won't be flying tomorrow.<sup>45</sup>

Two days after the vote Sinn Féin's Jim Gibney wrote:

...in the long march towards a national Irish democracy Monday's decision is an important milestone.<sup>46</sup>

Unionist anger however remained focused on the Alliance party. Following the vote in the City Hall party leader David Ford hailed the outcome as “a clear victory for the Alliance Party”.<sup>47</sup> The DUP Finance Minister, Sammy Wilson, was quoted in the *Belfast Telegraph* as saying they were “partially to blame”, explaining that:

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<sup>42</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-20622185> (date accessed 1Dec14).

<sup>43</sup> <http://www.belfastdaily.co.uk/2012/12/08/loyalist-paramilitaries-orchestrating-street-violence-says-police-chief/> (date accessed 1Dec14).

<sup>44</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-20648109> (date accessed 1Dec14).

<sup>45</sup> Quoted in Tom Kelly, ‘No-one left unscathed by the events of the past week’, Irish News, 5 December 2012.

<sup>46</sup> Jim Gibney, ‘Long history of Unionist domination is at close’, Irish News, 5 December 2012.

<sup>47</sup> UTV News ‘Eight injured amid flag trouble’, 3 December 2012.

The Alliance members of Belfast City Council are not stupid enough to think that there will be no consequences stemming from that. I am not saying they deserved it but I am saying they should have known the consequences of their decision.<sup>48</sup>

His party leader Peter Robinson, while explicit and forceful in his condemnation of the violence on the streets, continued to excoriate the Alliance Party for voting to remove the flag. On the evening of Saturday 8 December he responded to his critics on Twitter. When the question of the leaflet was brought up he responded:

Are you serious? Leafleting is an integral part of the democratic process. Will Alliance stop leafleting?

Before he closed down his Twitter feed at around midnight that night Robinson replied to another Twitter user:

I get your argument. If anyone disagrees with your argument they are against a shared society. You're really bright.<sup>49</sup>

Instead of seeking to move the issue of the flag onto the backburner the two main unionist parties turned up the heat. There were attempts to secure new arrangements that would see the Union flag fly 365 days a year at two other symbolic sites: the Cenotaph in the grounds of Belfast City Hall, and on the flagpole of the NI Assembly at Stormont. In each case, the *realpolitik* of the voting numbers doomed these proposals to failure, but in proposing them unionism was being seen to stand up for the flag. The attempt to have the flag flown at the Cenotaph dragged on until April 2013, when Sinn Féin, Alliance and the SDLP voted against it, their opposition bolstered by the custodian of the Garden of Remembrance, the Royal British Legion, which said that the site was “sacroscant” and should not be used to make political points. The attempt to have the flag flown 365 days a year at the Assembly came to a halt much quicker. On 11 December, the day after the petrol bomb attack on the police officer outside Naomi Long’s office, there was to have been a meeting of the Assembly Commission, the body responsible for the Stormont estate and the relevant authority for any decision to extend on flag-flying. The DUP proposed a motion on the Union flag but the meeting failed to achieve a quorum as Alliance, Sinn Féin and the SDLP declined to attend.

### *Calls for intervention*

The sharp increase in political antagonism combined with the widespread street disorder produced a reaction beyond political parties. The *Belfast Telegraph* took a particularly strong line, running a series of dramatic front covers demanding that politicians intervene to bring an end to the violence. Church leaders and civil society joined in appeals for calm, but it was the business community that proved most effective by putting a price label on the disorder. In a joint statement issued on the 18 December CBI Northern Ireland, Institute of Directors and the NI Chamber of Commerce told the protesters “enough is enough”. At that point their estimate

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<sup>48</sup> Liam Clarke ‘Alliance was partly to blame’ *Belfast Telegraph*, 9 December 2012.

<sup>49</sup> Steven Alexander, ‘Robinson in Twitter row over city rioting’, *Belfast Telegraph*, 10 December 2012.

was that trade in the city centre was down by 20 per cent which by the end of the Christmas period was estimated as a loss of £15 million. To these were added the costs of policing the protests, and the less quantifiable damage done to Northern Ireland's reputation.

A content analysis of newspaper coverage in this period shows that of 135 articles on the flag protest the largest share (37 articles in all) was given over to the impact on the economy (the second largest share was violence, with 28 articles)<sup>50</sup>. One article referring to Belfast as "a ghost town where staff outnumber punters".<sup>51</sup> On 10 December, one week after the protest had begun, the Assembly held an emergency debate. It was a tightly controlled, one-hour discussion and only party leaders were allowed to contribute. All condemned the violence. The UUP leader Mike Nesbitt said "In doing what they did, the rioters lost the argument they were trying to promote".<sup>52</sup> Both Peter Robinson and Mike Nesbitt called for the protests to be suspended. The following evening an angry meeting in the Harland and Wolff Welders' Club saw loyalists demand more solidarity from their elected representatives. To give this a practical expression a section of the meeting then marched up the Newtownards Road to form a picket that blocked the road outside Naomi Long's office – just 24 hours after the murder bid on the police officer. Along with PUP politicians were two DUP MLAs, Sammy Douglas and Christopher Stalford, and one UUP MLA, Michael Copeland. It has been questioned if their presence was voluntary. However the symbolic import, as outlined by Alliance MLA Chris Lyttle, remained:

It is beyond belief that just hours after their leaders called for protests to be suspended or ended, and within 24 hours of a murderous attack on a police officer and ongoing threats to elected representatives, these MLAs attended an illegal protest at the very spot where the attack took place. No elected representative should be attending protests that defy the law.<sup>53</sup>

Challenged about this the next day the MLAs said that they had been "in attendance" and that they believed their presence had a calming effect.<sup>54</sup>

### *Ridicule and alienation*

It had been a hectic week for those who had committed themselves to the flag protest but a week was long enough to sow doubts about the level of support their actions might receive from the parties that had originally sounded the alarm. Condemnation from the unionist leadership was not the only surprise to dismay the protestors. Almost immediately they found themselves subject to a different and more insidious form of attack – ridicule. It began on the very first night of the protest. The An Phoblacht camera crew were filming from inside the City Hall when a pane was smashed in the window of the back door. A slightly bewildered looking middle-aged woman who was part of the protest peered in through the window, and then screamed "No Surrender" through the broken glass. The clip was put up on YouTube and

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<sup>50</sup> Gill, K 'With a flag you lead men, for a flag you live and die', Socheolas, Limerick Student Journal of Sociology, Vol.3, Issue 1, September 2013.

<sup>51</sup> Claire McNeilly, 'Belfast, a ghost town where shop staff outnumber punters' Belfast Telegraph, 18 December 2012

<sup>52</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-20657873> (date accessed 1Dec14).

<sup>53</sup> Michael McGlade 'Politicians defend role in flags protest', Belfast News Letter, 13 December 2012.

<sup>54</sup> Ibid.

immediately went viral (one particular meme has gone on to have more than 300,000 views).<sup>55</sup> On 10 December a new website appeared called Loyalists Against Democracy. It trawled the loyalist websites, recycling and parodying the most incoherent and paranoid excursions of loyalist bloggers. Within days it too had a huge audience and those feeding into it found easy pickings on flag protests websites, where postings were frequently ungrammatical and simple words misspelt. Most hurtfully to the protestors, the working-class East Belfast pronunciation of the word 'flag' was rendered phonetically as 'fleg'<sup>56</sup> and it became a social marker to insist on this pronunciation as a way of mocking the protestors. To those on the receiving end the mockery seemed like that of the grammar school pupils sneering at those in the secondary modern. It inflamed and angered the protestors but it did not stop them.

### 3.7 Efforts to conclude the protest

The protest continued to escalate throughout December. The first week, beginning with the vote on 3 December the PSNI had recorded 384 'occurrences' relating to the flags dispute which may include a crime (or multiple crimes), an incident (i.e. anti-social behaviour or suspicious behaviour) or a report of information. The second week there were 368, and the third week, beginning 17 December, saw the number of incidents rise to 441. There was an expectation that the Christmas break would mark the end of the protest, but after only a brief halt (there were pickets outside Naomi Long's office on Christmas Day) the protests regained momentum, building to a second peak in mid-January 2013 with 352 occurrences. Following that a decline set in and by mid-March the tempo had dropped to around 60 occurrences per week, with a sharp tailing off from that point. For fifteen solid weeks, however, widespread protests took place throughout Northern Ireland. During this time, from 3 December 2012 to St Patrick's Day 2013, the PSNI recorded 2,980 'occurrences' (see Figures 1 and 2).

There was never one huge rally on the scale of the protest against the Anglo-Irish Agreement in 1985 when over 200,000 gathered at Belfast City Hall, or anything even comparable with the events at Drumcree in the mid-1990s when tens of thousands of Orange protestors confronted the police, but the nature of the flag protest was quite different and the numbers have to be assessed by a different calculus. Rather than one big rally or focal point, the protest was dispersed throughout Northern Ireland. Giving evidence to the House of Commons Northern Ireland Committee on 24 January the Chief Constable Matt Baggott explained that on one particular evening there were 84 seats of protest, and that in one single week up to 10,000 people had taken part in protests (see Section 3 for numbers involved in protests). To take the example of a single day, on 25 January 2013, protests took place not only across Belfast but also in Antrim, Ballyclare, Ballymoney, Carrickfergus, Dundonald, Dunmurry, Glengormley, Larne, Newtownabbey, Whitehead, Ballynahinch, Bangor, Greyabbey, Kilkeel, Coleraine, Garvagh, Magherafelt, Derry-Londonderry, Newbuildings and Portadown.

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<sup>55</sup> Claire Williamson, 'Loyalist flag protesting 'no surrender' woman recreated in a Halloween costume' Belfast Telegraph, 31 October 2013.

<sup>56</sup> The linguist Dr Brendan Gunn who has made studies of the Belfast accent describes the vowel in this pronunciation as a 'raised variant' of the standard, common in working-class Belfast speech where bag, for example, will be pronounced like 'beg'. (Correspondence with the authors).

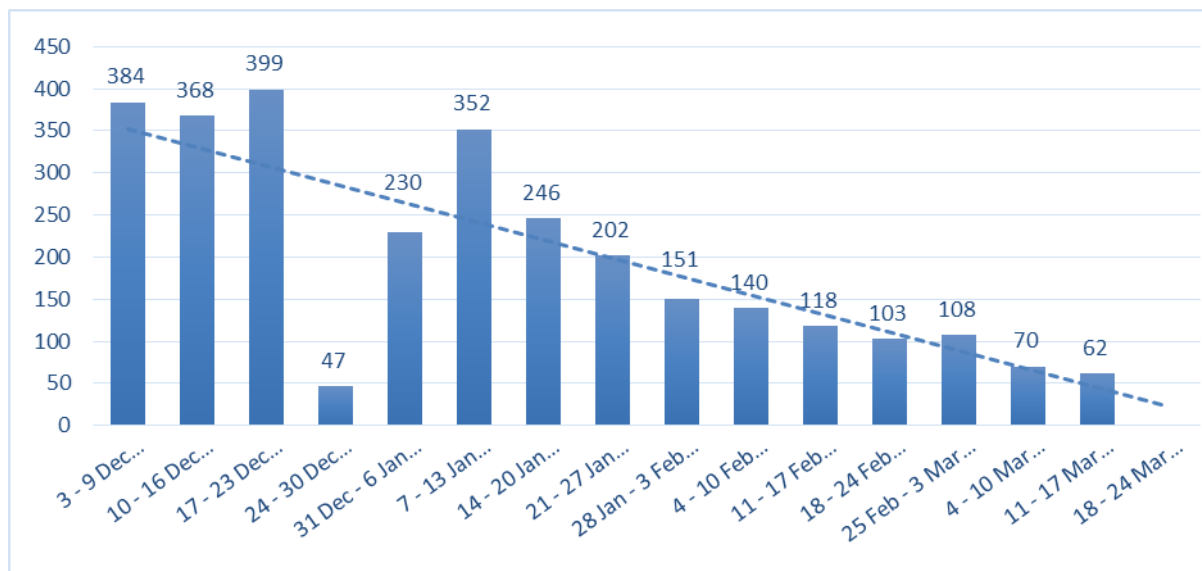


Figure 1. Operation Dulcet: Number of flag related 'occurrences', 3 December 2012 - 17 March 2013.<sup>57</sup>

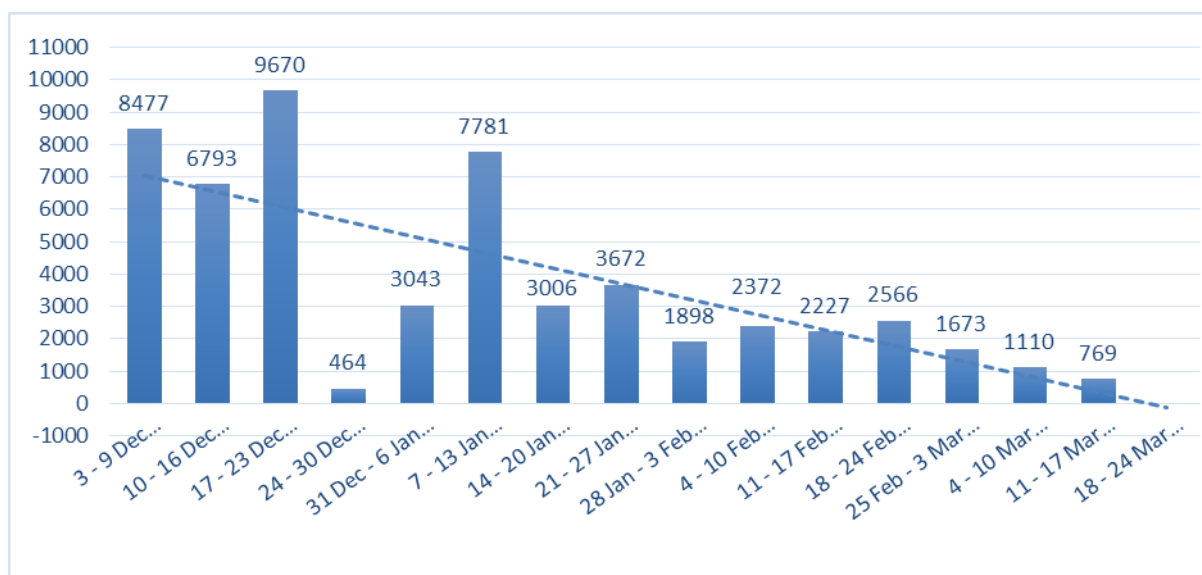


Figure 2. Operation Dulcet: Number of people involved in protests and related incidents, 3 December 2012 - 17 March 2013.<sup>58</sup>

### *The challenge facing politicians in knowing how to respond*

In quantitative terms, those numbers may still be less than in the large loyalist demonstration of the 1970s, 1980s or 1990s, but there is one other significant difference to be considered. All those other expressions of unionist concern took place during the period known as the 'Troubles'. The flag protest took place in what is routinely described as a 'post-conflict society'. The narrative that sustains this phrase, the story of a society learning to put its differences behind it, was subverted by the flag protest. A visit by Hillary Clinton on 7 December drew attention to this in a particularly embarrassing way. Both Bill and Hillary Clinton had held up the Northern Ireland peace process as an example to conflict societies elsewhere, often speaking in

<sup>57</sup> Source: PSNI/Operation Dulcet. (Note: these figures are approximations rather than exact totals).

<sup>58</sup> Source: PSNI/Operation Dulcet. (Note: these figures are approximations rather than exact totals).

extravagant terms of the progress that had been made. On the day she arrived four senior dissident republicans had been arrested and the PSNI announced they had uncovered a new form of mortar bomb.

More disturbing still for Clinton was news of the widespread disorder and the death threat against Naomi Long, a politician she admired. She asked for a private meeting with the Alliance MP the next day, and addressing the carefully chosen audience in the ballroom of the new £92 million Titanic Centre she gave a very direct message. Sensing the disconnect between the Stormont politicians and the crowds on the streets she said, "What we have to do is get out of the ballrooms, out of Stormont and into the communities where people live."<sup>59</sup> By this stage the leadership of the two main unionist parties was aware that the flag protest was running out of control, and that they urgently needed to regain leadership. On 18 December Robinson and Nesbitt announced they were going to set up a 'Flags Forum' which would seek to draw all shades of unionism into a new consensus.

### *The challenge of finding a united unionist response*

The diffuse nature of the concerns of disaffected loyalists created a problem for the unionist leadership in trying to frame a response. Equally problematic for those trying to steer the unionist ship was the diversity of organisational structures and networks springing up as part of the protest. In an effort to create a new sense of unity the Unionist Forum was launched at Stormont on 18 January 2013. Described by Peter Robinson as "the most representative group of the unionist community to meet in 50 years"<sup>60</sup> the Forum included not just the two main unionist parties, but the TUV, UKIP and individuals closely associated with paramilitary groups.<sup>61</sup> When asked about paramilitary involvement Mr Robinson replied: "We will talk to anyone who wants to talk to us about how we can move forward in an exclusively peaceful and democratic manner".<sup>62</sup> A series of eight working groups was set up to report back to the Forum on the following issues:

- 1) Strategy for addressing the flags issue;
- 2) Measures to increase voter registration and turnout in unionist areas;
- 3) Strengthening British cultural identity in Northern Ireland;
- 4) Proposals to address problems surrounding parading;
- 5) Proposals to tackle deprivation and under-achievement in the unionist community;
- 6) Broader political and economic matters;
- 7) Steps to increase capacity building in unionist areas;
- 8) Victims.

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<sup>59</sup> BBC News 'US Secretary of State condemns recent NI violence', 7 December 2012, <http://www.bbc.co.uk/news/uk-northern-ireland-20625735> (date accessed 1Dec14).

<sup>60</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-20971742> (date accessed 1Dec14).

<sup>61</sup> In addition to senior DUP and UUP figures the attendance at the first meeting included the following: two representatives of the Traditional Unionist Voice (party leader Jim Allister did not attend), sole UKIP MLA David McNarry and independent David McClarty (both formerly of the UUUP), Drew Nelson and the Rev Mervyn Gibson representing the loyal orders, John Kyle and Winston Irvine representing the Progressive Unionist Party (party leader Billy Hutchinson did not attend), Jackie McDonald and Jimmy Birch representing the Ulster Political Research Group (which advises the UDA), and finally Jim Wilson 'representing the people of east Belfast'.

<sup>62</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-20971742> (date accessed 1Dec14).

To emphasise the sense of urgency and to show a willingness to engage at grassroots level it was agreed that the next meeting should take place the following day and not at Stormont but in east Belfast. In an augury of what was to come that meeting, held in the Westbourne Presbyterian Church, was less than harmonious. As the BBC reported it, "Progressive Unionist Party leader Billy Hutchinson said people showed their frustration during the meeting and said it was an opportunity for politicians to discover how people felt".<sup>63</sup>

The hoped-for unity was quickly proving to be an elusive goal. Some of those who had agreed to join the Forum, like the PUP leader Billy Hutchinson and TUV leader Jim Allister, were distinctly chary about its prospects and neither attended the launch event, sending representatives in their place. Others like the Ulster People's Forum, refused to participate. This was hardly a surprising decision. The UPF had formed after Mr Peter Robinson and Mr Mike Nesbitt had announced their plan for a pan-unionist body, and positioned itself immediately as a radical alternative. Not only did they wish to see the flag back at the City Hall, but they rejected the whole structure of the peace process, calling for the end of Stormont and a return to Direct Rule. The views of this fringe group represented a significant tilting to the right by the protest leaders.

The big tent approach of the Unionist Forum did not only leave radical protestors on the outside. It also alienated and isolated sections of the liberal wing of the UUP notably Basil McCrea, John McCallister and David McClarty who were to leave because of their party's approach to the flags issue and its increasingly close relationship with the DUP.<sup>64</sup>

### *Protestors' expectations of success*

The protestors had set themselves the goal of getting the flag back up, but there was no workable strategy to achieve this objective. Why then did the protestors believe that their actions could reverse the decision? Debbie Watters, who works on the Shankill Road with ex-offenders through the project AlternativesNI, explains the thinking of the protestors this way:

The experience of Protestants is that Sinn Féin has been able to get a lot of things turned around either with implicit or explicit threats of violence or with political, very robust political advocacy and lobbying. So I think people felt if they brought enough chaos to the country that would mean at least there would be an exploration of reversing the decision. *(Interview)*

There is ample evidence for this view. Postings on social media regularly put out messages that the protestors were winning, that it would only be a matter of time before the flag would be restored to the City Hall. This posting from Save Our Union flag on 7 January 2013 captures the mood:

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<sup>63</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-20992493> (date accessed 1Dec14).

<sup>64</sup> BBC website, 24 January 2014, McClarty says "onus on moderate unionists" to form new party.



Dont think for one second this isnt working. BECAUSE IT IS!!! it is now only a matter of time, the psni cant even police this as they are drained! they have had to hire 200 forren nationals to wear psni uniforms! THIS IS WORKING... KEEP IT UP!! STAND UNITED AND PUSH AND PUSH!! WE ARE GOING TO CHANGE THIS GOVERNMENT! Fact!!!

On the same day as this post appeared Mike Nesbitt explained it in an interview with the *Belfast Telegraph* that the unionist leadership accepted that the protests could not possibly succeed: “I don't think anyone is going to look out the window of City Hall, see protests, and say, ‘oh look at that, we had better put the flag back up’”, he said, adding “The only way to get the flag up again is to get a democratic vote that reverses the democratic vote that took it down. This has got to be a political decision.”<sup>65</sup> This same idea commended itself very much to the loyalist leaders who could see that the protestors had set themselves an impossible goal.

Even a successful voter registration campaign would not be enough to allow unionists to regain numerical advantage in BCC. That fact did not percolate through in the period when the protests continued to surge and it was unlikely to do so as the protestors were buoyed by their own sense of power, exhilaration and celebrity. The protest had gained traction by mid-December and the mood of the moment was captured by a Facebook message from a pop-up group which had formed simply to coordinate the release of red white and blue lanterns into the sky. The stunt was planned for Belfast City Hall on 15 December and the previous day the Light Up Our Sky for the Red White and Blue Facebook page said:

There is protest tomorrow at city hall Belfast there are rumours going round on republican sites saying they are going to confront us. Bussing them in from all over apparently so let's get the numbers out again the mara no slacking.

The following day, when the airport authorities had expressed concern about the dangers of this exercise this message was posted:

Not only do we close down the city hall, stop buses n cars and cos havoc on the roads but now we're gona cos havoc for the airport LOL.

### *Diversification of protest tactics*

The protests were multiplying but they were also becoming more diverse in form. At an early stage *four distinctive types of protest* emerged and, once set, this pattern sustained itself through to March 2013. The four types of protest were:

- 1) **Blocking of roads:** This was how most people in Northern Ireland experienced the protests. In the early stages traffic was stopped for periods of time; in the later stages most protestors had moved to ‘white line’ protests which allowed them to stand in the middle of the road but if the traffic flow was maintained, protestors were within the law.

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<sup>65</sup> Liam Clarke, ‘Loyalist leaders call for an end to ‘futile’ flags protest’ *Belfast Telegraph*, 5 January 2013.



- 2) **Pickets:** Pickets were mounted in a variety of settings where protestors wished to make their point, and these often included council offices but by far the most frequent target was the Alliance Party and, in a particular, Naomi Long's office in east Belfast.
- 3) **Belfast City Hall rallies:** The protest had begun at Belfast City Hall, a traditional rallying point for unionist demonstrations, and the Saturday lunchtime rally on the flags issue became an instant 'tradition' (one that has continued up to the present day)
- 4) **Marches to the City Hall:** Those joining the City Hall Saturday protests came in groups from the north, south, east and west of the city. The largest group came from east Belfast, often congregating first at the Constitution Club on the Newtownards Road and then processing together towards the city centre. Both on their way into the City Hall and on their return journey this route took them past the Catholic enclave of Short Strand. The tinder-dry atmosphere made this a highly combustible situation with frequent skirmishes, and confusion over the legality of the weekly processions did little to ease tensions.

### *How peaceful were the protests?*

One other way to distinguish the protests is to categorise them as either peaceful or non-peaceful, but the divide is perhaps too simple – a more useful perspective is to see them on a spectrum, from completely peaceful at one end to coordinated acts of violence at the other. As a matter of numerical fact, most protests were at the peaceful end of the spectrum. In our interviews with protestors there was an emphasis on the positive community spirit engendered by local protests and the comradeship that developed. A 70-year old male protestor who participated in a weekly Friday night protest in the Seymour Hill estate on the outskirts of Belfast told of how they won trust from the PSNI by not rising to provocation:

They [PSNI] trust in our process and they know people up there aren't going to get violent. And we get abused there. Ones driving past: 'Orange bastards!' 'Dickheads'... there's not a Friday night passes and we don't get some kind of abuse there ... it annoys these people that we're still there and we're willing to stand there in snow, in the rain – we can hardly move we're that well wrapped up with clothes! But we still go there simply because we believe in what we're doing. And plus the fact that it's an hour's good crack. *(Interview)*

The sense of community was aided by the diversity of the participants - pensioners, women with prams, children of all ages - all experiencing a sense of solidarity and frequently turning it into a fun experience. For some the experience was about moving out beyond their local area to experience a wider loyalist community. A male protestor from Tiger's Bay described how the City Hall rally allowed him and his neighbours to link with people beyond their usual networks. On Saturdays, he explained:

We walked right long York Street, straight into town. There's a wee cafe there... We'd go in there for a cup of coffee and then the protest, it didn't start until one o'clock so we

ran in there about a quarter to, to meet up with everybody... They came from every area, came as far as Lisburn and Portadown. *(Interview)*

Many of the peaceful protests were in fact illegal. As a matter of routine the media took to referring to events where there was no violence as peaceful protests, even though road blocking is in contravention of the law. But those motorists who came upon silhouetted figures blocking their road home at night were more aware of the latent potential for violence than they were of the peaceful nature of the protest.

Further along the spectrum there were forms of openly violent intimidation. In Carrickfergus, for example, protestors wearing hoodies and who had their faces covered with scarves burst into a meeting of the local council, shouted slogans and banged on the tables. They directed sectarian abuse and obscenities at councillors, singling out Alliance members in particular. Alliance councillor Noel Williams described the incursion as “a full frontal attack on democracy”.<sup>66</sup> While events of this kind were numerically much less frequent than the peaceful protests described above they served to characterise the protest as a runaway movement at odds with democratic norms. For those living in the loyalist heartlands, day-to-day existence took place under the shadow of the flag protest. Naomi Long used an historical perspective to explain how dark and fearful the experience was for those caught up in events:

I can't remember a time since 1998 when community relations were worse. The last time I remember things being as tense as they were during the flag protest would have been during Drumcree. The context actually felt remarkably similar – the tensions, and the feeling....It's hard to put it into words, the feeling that there was just evil abroad. *(Interview)*

The expression of hatred was not limited to political targets. It ate into personal relationships. One woman who did not join the protests but who has strong family networks in the loyalist community told how her mother had died in this period, and after she posted the news on her Facebook page Naomi Long posted a message saying ‘I am so sorry. I know what it is to lose a mother. Hugs’. The immediate response shocked her:

And three men within seconds put up a tirade saying, ‘Was she sorry about the flag, blah blah, blah under her post about my mother dying. And I lost all faith in humanity. I thought ‘You bastards’. *(Interview)*

### 3.8 The decline of the protest

A riot on 12 January proved to be a critical moment in the trajectory of the protest. It had become the custom of the protestors to assemble at the Constitution Club in east Belfast and make their way towards the City Hall for the Saturday rally. On the way into the city centre, and

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<sup>66</sup> BBC website, 18 December 2012, ‘Sectarian abuse in Carrickfergus council disruption’, [www.bbc.co.uk/news/uk-northern-ireland-20765552](http://www.bbc.co.uk/news/uk-northern-ireland-20765552) (date accessed 1Dec14).

on the return journey, the protestors walked past the nationalist Short Strand area. This took place on the successive Saturdays of 15, 22 and 29 December 2012. Catcalls and sectarian abuse were exchanged but there was no serious violence. However on 5 January the numbers involved were much larger, and when a riot broke out at Short Strand police used a water cannon and AEPs to break up the crowd. Anticipating a repetition on the following Saturday Chief Superintendent McCrum, District Commander for Central, South and East Belfast and Silver Commander in Operation Dulcet, met with representatives of the loyalist community on 10 January 2013. A negotiated agreement was reached that the protestors could return to the lower Newtownards Road via the Queen Elizabeth II Bridge and Middlepath Street, a slightly more circuitous route, but one which put a greater distance between the protestors and Short Strand residents. On the day the plan fell apart. When the protestors were stopped by the PSNI at Queen's Bridge violence broke out, and breakaway groups made their way towards the Short Strand and the Catholic Markets area in what police referred to as a 'starburst' movement. The engagements with the police and some Short Strand residents were intense: masonry, fireworks, golf balls and other missiles were thrown. The rioting was sustained and the area was not cleared until 8.00 pm that evening. The PSNI had prepared for the occasion by having a total of 32 tactical support group (TSG) units on hand, but the breakdown of the understanding with the march organisers took them by surprise. A total of 29 police officers were injured with five requiring hospital treatment.

Opinions differ on what had gone wrong. We have spoken with community leaders who feel the police were duped by the loyalist representatives, and that the riot was planned. There were also loyalist paramilitaries who were convinced the PSNI had sought the confrontation. Rev. Mervyn Gibson's interpretation was that: "There's two sides to that conversation – it was just a misunderstanding at the end of the day. Hardliners think it was planned, but it was just a cock-up at the end of the day" (*Interview*). The residents of Short Strand were left feeling their lives had become intolerable: local resident and former Lord Mayor Niall Ó Donnghaile complained that this was the 15<sup>th</sup> illegal procession past the area since the protest began. There were consequences to the riot. Firstly, the Chief Constable Matt Baggott apologised for what he called the "misery and trauma" the people of the Short Strand had suffered during the attacks. This was not considered sufficient. A legal case was taken by a Short Strand resident alleging the PSNI had failed in its duty by not preventing illegal marches, and this case is reported in detail in Section 7.3 of this report.

Another consequence was that loyalist paramilitaries felt they were unable to exercise control over the more incendiary elements in these crowd situations. In particular, the situation at the interfaces was becoming explosive. In a telling development loyalist community worker Jim Wilson blamed young men from his own community for starting a riot three nights after the confrontation at Short Strand. A hall hosting an event for special needs children was stoned and some residents responded to the attack by returning bricks and petrol bombs. Jim Wilson said he was "frustrated" and "dismayed" by the continuing violence. The protest organisers found themselves in a tactical bind. Violence on the protests was costing support, but support was also ebbing from the peaceful protests which were seen to be ineffective. The Saturday rallies in the city centre were coming in for increased criticism from the business community, and the

unionist leadership was under pressure to help bring the protests to an end. Meanwhile the roadblocks in Protestant neighbourhoods were eroding support in the home constituency.

A turning point had been reached. On Wednesday 16 January the Belfast Chamber of Trade and Commerce held a meeting attended by over 200 traders. A representative of the Pubs of Ulster said that up to 300 bar staff had been laid off because of the protests. The traders were angry and warned that the economy of Northern Ireland would be devastated if the flag protest were allowed to continue. On loyalist websites there was a sullen resentment and denial of these claims but there was no doubt the effect on public opinion – and also on the thinking of loyalist leadership.

On Thursday 17 January press were summoned to a meeting in the East Belfast Mission where an announcement was to be made. Lined along a table were figures from across the spectrum of the Protestant east Belfast community – clergy including the Rev. Mervyn Gibson and Rev. Gary Mason together with Billy Hutchinson, leader of the PUP and his party member Jim Wilson. The announcement, described by Rev. Mason as a "community effort from a number of people across the board" was that there was going to be an end to the violence. The right to protest was upheld, but the protests had to be peaceful. The UDA, the UVF and the Red Hand Commados had pledged to unite to ensure this commitment was enacted on the ground. Five thousand leaflets spelling out the message were delivered to pubs and clubs in east Belfast.

As far as the PSNI was concerned this marked progress, but there was still some distance to go. The protests had not just to be peaceful, they had to be lawful. The term 'peaceful protest' had been applied liberally to the blocking of roads when no violence was used, but the act of blocking the road was itself an illegal act. The PSNI went to some length to explain what form of protest was permissible. In essence, protestors were allowed to stand either on the footpath or on the white line in the middle of the road. Under the Public Order (NI) Order 1987 a white line protest is an open air public meeting which does not need to be notified to the PSNI or Parades Commission. Causing an obstruction on the highway, on the other hand is an offence and the PSNI made it clear it would be treated as such. The legal niceties were explained to loyalist leaders, but perhaps the most effective message came on 23 January when Daniel Baronowski from Newbuildings in Derry-Londonderry became the first person sent to prison for blocking a road. Sentencing him to two months imprisonment the district judge told him "People have no right to block roads, and no right to disrupt the lives of other people".

When the Ulster People's Forum met on 30 January to consider its tactics it was aware that the PSNI had a new determination to end not just violence but also illegality. The members of the UFM were also aware that the criminal justice system was processing the cases from two months of rioting: at that stage there had been 181 arrests and 128 charges in connection with the disorder. The meeting decided to move to white line protests. The decision was far from unanimous. One of those to disagree was Willie Frazer, who reiterated his view that blocking roads was a justifiable action. On 7 February the UPC issued a statement saying it "no longer validates Willie Frazer as a spokesperson".

All of this was dispiriting to the faithful who still braved the winter weather on their nightly protests, and by February the likelihood of prosecution for blocking roads was having its effect. One male protestor with strong UDA links traced the decline of the whole protest when he described what happened on his estate on the outskirts of Belfast:

In the first 8 or 9 days of the protest they were out on the road just stopping the traffic, there was no traffic moved for an hour. Then they started getting...the police were getting a wee bit fed up with us and started coming at the people, pushing people, then they started taking photographs and videotaping everybody. ... And people started to get worried that someone wouldn't come out because of the fear of what they were doing and it narrowed down to about 20 people, 15 people, and then they started losing the support because of it. *(Interview)*

The protests had dwindled by the end of March, but there was still a protest of one sort or another every day in 2013. At its height in December 2012 up to 10,000 people had been on the streets, but four months there were less than 1,000 people involved across Northern Ireland. The Saturday rally at the City Hall was maintained and it continues to this day. Precedent suggests that loyalism is guided by tradition rather than any expectation of success. In 1998 the Orange Order was prohibited from walking past the Garvaghy Road, and every Sunday morning since then the Portadown No 1 Lodge has convened at Drumcree Church and marched to protest the decision. The same fixity of purpose may lead the flag protestors to match this commitment. Realistically, the numbers are likely to be small. A march was held at the end of November 2013, to mark the first anniversary of the protest. It was predicted that 5,000 or 10,000 would attend but only an estimated 1,500 participated. On 29 November 2014 only 200 turned up for the rally to mark the second anniversary.

Those who stayed at home have continued to fight the battle on Facebook, where disillusionment and bitterness are commonly expressed. In April 2013 the Save Our Union flag page carried the following message:

Didn't take long for the ulster people to give up. What happened to standing together and fighting the fight... SF/IRA are laughing at us!

Another cause soon took shape. A Ligoniel Orange Lodge was rerouted from making its annual return march past the Ardoyne shops on 12 July, and three days of intense rioting following. In protest against the decision loyalists pitched tents and then brought a caravan onto waste ground at Twaddell Avenue, next to the Ardoyne roundabout. Operation Dulcet morphed into Operation Titan, the Twaddell Peace Camp was born, and a new stage began in the expression of loyalist alienation.

## 4. SHIFTS IN THE PUBLIC MOOD

### 4.1 The evidence from polling

The protests exposed a depth of feeling on the issue of the Union flag, but they did not show evidence of any mass mobilisation. The largest rallies brought together around 2,000 people; by way of contrast the 1985 protests against the Anglo-Irish Agreement included a rally of 200,000 people at Belfast City Hall. Even in the home of the protest in east Belfast, where the population in the 2011 census was given as 92,221, there was never much more than one per cent of the population on the streets. That does not mean that the actions of the protestors did not enjoy tacit support. There was no objective barometer to track the mood in the period from December 2012 through to March 2013, but three surveys were conducted which shed some light on how the issue played with the general population and particular sub-groups. The three are: an Ipsos/MORI poll conducted for the BBC Spotlight programme in January 2013, the NI Life and Times Survey conducted from September to December 2012, and a Belfast Telegraph/ Lucid Poll survey conducted between August and September 2013.

#### *The BBC Spotlight poll*

This poll was carried out for the BBC by Ipsos/Mori between 17 and 26 January, by which time the protest had been running for some weeks. A total of 1,066 adults were interviewed. The weighted averages showed that of all the options presented to them, designated days commanded the largest number of preferences: 44 per cent, with the next largest option, the flying of the flag 365 days a year, being the choice of 35 per cent. A further 10 per cent told the pollsters that no flag at all should fly at the City Hall, while only 2 per cent supported the two flags option of the tricolour flying alongside the Union flag. The fact that the designated days policy attracted most support should not be mistaken for a consensus: when the responses are broken down by religion it is clear that there was a great difference between Protestants and Catholics: 73 per cent of unionists wanted the Union flag up at Belfast City Hall 365 days a year, while 64 per cent of nationalists supported the 18 day policy.

| Which of these options in relation to the Union flag at the city hall do you most support? (preferences stated in % terms) |                             |      |                          |      |
|--|-----------------------------|------|--------------------------|------|
|  | Nationalist by social class |      | Unionist by social class |      |
| <i>The Union flag flown:</i>   | ABC1                        | C2DE | ABC1                     | C2DE |
| 365 days a year  | 3                           | 7    | 65                       | 78   |
| 18 designated days   | 70                          | 60   | 30                       | 18   |
| Never flown  | 16                          | 23   | -                        | *    |
| Along with tricolour   | 2                           | 6    | 1                        | -    |
| Other/None   | 8                           | 4    | 3                        | 4    |

*Table 3. Which of these options in relation to the Union flag at the city hall do you most support?*<sup>67</sup>

A further analysis shows the significance of other factors in determining attitudes:

- Educational attainment marks a sharp distinction. Around 1 in 5 of those with third level education supported the 365 days a year option compared to nearly half of respondents with no formal qualifications
- Geographical location shows different responses from different areas, in line with community differentials. Thus, while the 365 days option was favoured by 46 per cent of the population in Greater Belfast, it was only 39 per cent in the Belfast urban area.
- Predictably, political party allegiance showed that unionists favoured the 365 days option while nationalists favoured designated days, but there were significant differences within the voting blocs as well as between them. The 365 days option was favoured by 77 per cent of DUP voters, but by only 61 per cent of UUP voters. The designated days option was supported by exactly the same percentage (64 per cent) of Sinn Féin, SDLP and Alliance voters. A surprisingly high percentage (19 per cent) of Alliance voters indicated support for the policy of the flag flying 365 days a year - the policy that the Alliance party had voted to change.

The Spotlight poll is also useful in showing how opinion shifted in the period from the City Hall vote in December through to the middle of January. More than half of all respondents (51 per cent) agreed with the proposition that the demonstrators were right to protest – though that figure might include those who were supporting an abstract principle (almost a quarter of nationalist respondents, for example, agreed with the proposition as worded). By late January there was a distinct mood of opposition to the protests: 76 per cent of respondents said they wanted the protests to stop. However there was another figure which provided comfort to the protest organisers: 45 per cent of unionist respondents felt the protests should continue. The tacit support from within the unionist community proved to have quite a degree of resilience.

### *The Northern Ireland Life and Times Survey*

Each year the NI Life and Times Survey publishes an annual report, putting on record the attitudes, values and beliefs of the people of Northern Ireland on a wide range of social issues. The 2013 report includes a section on flags. The sample size was 1,210 adults. The results are similar to the Spotlight poll in that they show designated days as being the most popular option and the 365 days option taking the second largest share of preferences. The percentages are different however: the NILT survey shows the option of designated days commanding a simple majority of 53 per cent and only 24 per cent supporting flying the flag year round. As with the Spotlight poll, the religious breakdown of the results shows a familiar polarisation, but there is one surprise result: the percentage of Protestants favouring the designated days option is

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<sup>67</sup> Ipsos/MORI poll conducted for BBC Spotlight programme, February 2013.

higher than the percentage favouring the 365 days option: 48 v 44. This may be because most of the survey was conducted before the controversy began.

| Results for people of different religions  |                   |          |            |      |
|--|-------------------|----------|------------|------|
|  | % all respondents | Catholic | Protestant | None |
| The Union flag should be flown from all public buildings all the time            | 24                | 5        | 44         | 23   |
| The Union flag should be flown on designated days only from all public buildings | 53                | 59       | 48         | 54   |
| The Union flag should not be flown at all from any public building               | 16                | 28       | 3          | 13   |
| Don't know   | 8                 | 9        | 5          | 10   |

Table 4. Views on the Union flag by age and denomination (NILT, 2013).

### *The Belfast Telegraph poll*

The Belfast Telegraph regularly publishes polling data from the Lucid Talk market research organisation. On 16 September 2013 it published the results of a poll conducted using a random sample of 1,222 adults. Polling took place between 26 August and 9 September and *inter alia* the questions included those relating to the flying of flags. Possibly because the City Hall controversy had died down, or been eclipsed by the parades issue, the responses on the flag were somewhat more muted – more than one-fifth of people (22.5 per cent) did not feel strongly enough to express a view, but this option was chosen by twice as many Protestants (30 per cent) as Catholics (15 per cent). Amongst those who did express preferences the designated days option represented the largest share, but only by a small margin with 29 per cent of those who expressed a preference. The 365 days option received 21 per cent of the overall share, the closest it came in any of the three polls to the designated days option. As with the other polls, the religious breakdown for this preference showed a polarisation: it was supported by 31 per cent of Protestants but by only 8 per cent of Catholics.

| Options  | Overall | Catholic | Protestant | Other | None |
|--|---------|----------|------------|-------|------|
| Individual councils should make their own decisions    | 8       | 7        | 4          | 8     | 4    |
| All councils be required to fly the flag every day     | 21      | 8        | 31         | 19    | 22   |
| Civic flags should be flown instead of national flags  | 14      | 19       | 12         | 16    | 20   |
| All councils should fly the flag on designated days    | 23      | 30       | 19         | 24    | 20   |
| The Union flag should be flown alongside the tricolour | 12      | 21       | 2          | 20    | 19   |
| Don't know/no opinion                                  | 22      | 15       | 30         | 13    | 20   |

Table 5. Views on the Union flag on Council buildings by denomination (Belfast Telegraph, 2013).



## 4.2 The non-protesting Protestants

As has been observed above, the percentage of Northern Ireland's unionist population who participated in the protests was, in numerical terms, miniscule. The polling evidence above however suggests a large degree of tacit support for the demonstrations: as late as January 2013 45 per cent of those describing themselves as unionists felt the protests should continue. That is a very significant minority, but a minority nonetheless. That still leaves a large section of the unionist community either indifferent or hostile to the protests. There are fine, but important, distinctions to be made between those who saw the flag at the City Hall to be a matter of no consequence, those who thought designated days a fair and reasonable solution, and those who would have preferred to see the flag up daily but who did not see it as an issue worth fighting about. These layers are not easily revealed in the polling data, but our interviews allowed us to probe some of the nuances in the attitudes of those who, for whatever reason, did not join the protests.

The responses we received show a wide divergence of opinion amongst the non-protestors. At one end of the spectrum were those who simply did not see the flag as a symbolic representation of their identity, and who therefore did not feel threatened by the City Hall decision. A female respondent, for example, who has been very involved with victims' groups, said of the Union flag at the City Hall: "I guess before the flag protest I gave it no thought whatsoever. It had neither meaning nor no meaning. It just was." (*Interview*). A community worker from a loyalist estate who has experience of interface work said she did not see any particular problem with the designated days compromise:

I was quite shocked, as I wasn't aware that there was a discussion about in the council in the first place. I was only aware when it all kicked off. Then when I sort of listened to both sides and I didn't have problem with them flying the flag on certain days of the year, I would be quite happy with that. (*Interview*)

Another community relations worker we spoke to also from a loyalist background, found that her own responses were very much out of joint with the passions around her:

For me being British, being unionist, being loyalist is about freedom. It's about freedom of choice and freedom of expression and that means I don't need a flag stuck up on a flagpole anywhere. And I've done enough work around interfaces to see the damage of territorial marking. (*Interview*)

A PUP activist who describes themselves as a socialist saw the flags issue as a distraction from the issues that should have been uniting the Protestant working-class:

The flag doesn't dictate who I am or what I am. I'm British, I'm proud to be British... Truthfully, personally, if I had been walking by the City Hall, I wouldn't have noticed if the flag were up or down. (*Interview*)

Further along the spectrum were those unionists who would have preferred to see the flag stay up, but who did not see it as a battle to be won. Methodist minister Rev. Gary Mason from the East Belfast Mission, who worked to negotiate a non-violent pledge from the paramilitaries in January 2013, explained that a section of unionism had accepted the terms of the Belfast Agreement and with it, an acceptance also that some things had to be traded:

I think a lot of people said there are going to have to be changes here and one of them could be the flag. So I'm assuming that the welter of Alliance voters there and maybe a number of more moderate unionist voters there may not like what happened, but it was one of those bitter pills that you have to take. (*Interview*)

Others stayed away from protests not because of acceptance of the need for compromise, but because of concern about the conduct of the protests:

to me, the flag protest was the embarrassment of the way they conducted themselves at the City Hall. If they had of protested in a proper manner I wouldn't have had a problem with it, but the way they went about it...it was shameful. (*Interview with community worker*)

Among the 45 per cent who still supported the protest in mid-January were those who not on the streets themselves because of practical concerns. Some were fearful of losing their jobs or being spotted in news reports; others were physically unable to participate. An elderly woman living in Shankill explained that she had limited mobility, otherwise she would have been on the demonstrations:

I didn't engage with the flag protests, though I do agree with them, whole heartedly agree with them ... I don't go out and I don't shout about the flag protest and I don't shout about Orangeism or anything else like that, but I feel really, really hurt. (*Interview*)

This feeling of hurt may have sustained tacit support for the protests among the Protestant middle class (something which unionist parties sought to capitalise on). The *Belfast Telegraph* columnist Lindy McDowell wrote:

The flag issue which sparked the protests/riots has, mistakenly, been interpreted as something which has rankled exclusively working-class unionism. In fact, it's raised hackles throughout all sections of a unionist community dismayed at what it sees as dismissal of its many real and legitimate concerns.<sup>68</sup>

Indeed, one senior PSNI officer we interviewed told us that he first realised how neuralgic the flag issue was for unionism when he walked into his local golf club the night after the City Hall vote. A woman he knew, a solicitor, approached him angrily to say 'That flag should never have come down'. At that point, he said, he realised a deep chord had been struck and that the protests were likely to enjoy more support than he had originally assumed.

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<sup>68</sup> Lindy McDowell 'We're still waiting on leadership – and not from X Factor wannabees' *Belfast Telegraph*, 15 January 2013.

Yet, as the months went on the failure of the protests to secure any gains began to eat away at the support base. The *Belfast Telegraph* poll on 16 September 2013 (above) showed that support for the 365 days option had shrunk to 21 per cent. At the same time other issues, and in particular parades, had moved to centre stage. Shifts in the public mood had left the Union flag at the City Hall behind.

### 4.3 Attitudes within nationalism and the centre ground

The issue of the flag had originally been driven by a nationalist concern over parity of esteem, and in the period up to 3 December 2012 nationalist politicians, and in particular the Sinn Féin group in BCC, were the main protagonists. The vote on 3 December closed the first act of the drama, and when the second act opened the plot had taken a new shape: the main conflict now was between loyalist protestors and the police. This is how the remaining scenes were played out, but nationalists and the Alliance party did not simply watch the drama unfold from the wings. The Alliance Party was centre stage as its offices and personnel became the targets for rage. The nationalist community and other citizens of whatever stripe found themselves caught up in events. The whole population, not just in Belfast but across Northern Ireland found itself inconvenienced by roadblocks, the suspension of public transport services, and the early closure of offices. Many experienced these disruptions as a form of physical threat. One community in particular, the small Catholic enclave of Short Strand in east Belfast, found itself under real, and regular physical attack from protestors as they made their way past the area on their way in and out of the city centre. For many nationalists the attacks on this particular community served as a focus for their general concern about the plight of residents and community policing.

As the primary sectarian interface in east Belfast Short Strand has historically been a site of sectarian violence, as has been recorded in all accounts of public disorder in the 19<sup>th</sup> and 20<sup>th</sup> centuries.<sup>69</sup> It is a history that endlessly repeats itself. In 2011 the UVF led an incursion into the area which again provoked nights of rioting, and on 3 December 2012, the first night of the flag protest, Short Strand was one of the first targets for the rioters. Protestors on their way home from the City Hall threw stones and made forays into the area, while an unprepared PSNI fought to hold them back. A youth worker we spoke to recalls it as a night of trauma. She had gone on to work on cross-community schemes, but saw that night as a serious setback for community relations. She describes how the flag protestors attacked the houses closest to them as they made their way back into east Belfast:

Then the next thing was there was a big open riot that had started and it had just like spread across Short Strand and across East Belfast. It went on for hours and there was kids being taken out of their homes at all hours of night, and kids going to school the next morning, and fire brigades and police and stuff couldn't get in or out of the district, because of the trouble the loyalists had caused on their way home. (*Interview*)

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<sup>69</sup> See, for example, Stewart, ATQ (1977) *The Narrow Ground*. London: Faber.

There were serious riots there again at the beginning of January. Protestors making their way home from the Saturday rally on 5 January at the City Hall claim came under attack and serious rioting broke out with police using water cannon at one point to keep loyalists out of Short Strand. These riots, which continued over the next few days were among the most serious of the whole period, and at one point live rounds were fired at police. Worse was to follow. The 12 January march saw a chaotic riot at Short Strand, an episode dealt with in more detail in Sections 3.8 and 7.3 of this report. There are various views regarding interface violence and who were the perpetrators but it was generally assumed by those interviewed in Short Strand that the failure of the police to defend the residents properly was akin to the PSNI facilitating sectarian intimidation and law-breaking.

This concern was not by any means focused just on the Short Strand; the problem of the weekly march did not affect the majority of nationalists in the way that the static protests on the roads did. These evinced a sense of unfavourable treatment when comparisons were made with the manner in which republican protestors were arrested for blocking the road at Ardoyne during the July disturbances of 2011. On the other hand, as the weeks went on and the police sustained more and more casualties the suspicion of collusion lessened – a shift of attitude that was confirmed by the growing hostility of loyalists to the police.

Within nationalism anger was constantly directed towards the unionist leadership. The complaint, as it was most frequently voiced, was not about unionist leadership but about its absence – the failure as it was seen, to provide the leadership necessary to bring the situation under control. The demand for unionist leaders to ‘show leadership’ became mantra-like. Speaking on this theme Gerry Adams said that Short Strand had been kept in a state of almost permanent siege, while residents of nationalist areas and members of the Alliance party and Sinn Féin had been threatened or attacked: “The silence of unionist leaders to all of this has been deafening,” he said at a commemoration event in the St James’ area of west Belfast:

No condemnation, no rejection of the violence and the threats. These are the same parties that used to lecture republicans about the ‘rule of law’ and who demanded that before they would reach agreements Sinn Féin had to sign up to policing. These are the ‘law and order’ politicians. Such hypocrisy. Such double standards.<sup>70</sup>

A contrast was made with the cross-party and cross-community solidarity shown in the face of dissident republican threats. When the PSNI officer Ronan Kerr was murdered in 2010 his funeral was attended by all representatives of northern nationalism who stood shoulder-to-shoulder with their unionist colleagues, the PSNI, British ministers, the southern political establishment and social and cultural organisations north and south. The message that was given out was that the peace accord would be protected, and that those who set out to subvert the political institutions would only succeed in strengthening them. The challenge to the accord presented by the flag protestors met with a very different response. For nationalists, unionist leaders seeking unity via the Unionist Forum represented a circling of the sectarian wagons. Some nationalists took some comfort from the idea that the flag protest had turned into an own

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<sup>70</sup> Belfast Telegraph, 6 November 2013 ‘Adams criticises unionist leaders’.

goal for unionism. The City Hall vote could not be over-turned, and the expressions of loyalty to Britain were conspicuously not reciprocated. The British response to images of flag-bedecked protestors and burning buses was one of distaste. In an irony that has bedevilled unionism, in Britain excessive devotion to the flag seems distinctly *un*-British.

At the same time, in a parallel development, the nationalist position was seen to have come adrift from its hinterland in the Republic. A Red C/Paddy Power poll in mid-January showed that only 36 per cent of the Irish population thought that the City Hall decision to limit the flag to certain days was correct, while 47 per cent thought they were wrong to restrict it, and 18 per cent did not express a view. That poll, published in the *Irish Independent*, may not have received much attention, but when, Seamus Heaney criticised the City Hall decision it made headlines. "I think Sinn Féin could have taken it easy", he said, "No hurry on flags."<sup>71</sup> Heaney's views were more typical of southern attitudes than northern ones. Polling evidence shows that the northern Catholic population were very solidly behind the stance taken by the SDLP and Sinn Féin. There was not quite the same degree of congruence between the Alliance leadership and its constituency – as the polling evidence (above) shows, there was a section of Alliance voters who wanted to see the flag fly all year round.

#### 4.4 The response in the media and on social media

In an article on the Short Strand riots published in the *Independent*, veteran journalist David McKittrick recalled:

After one major clash, a Belfast Catholic newspaper famously carried a headline accusing an Orange march of attacking Short Strand. The same day's Protestant paper meanwhile declared that Short Strand had attacked the march.<sup>72</sup>

That paradigm, of the two newspapers looking down different ends of the telescope at every event, was a feature of the flag protest period, but not to the exaggerated level described above. Rather, while blame was apportioned differently there was a shared sense of alarm about the violence on the streets, and all three Northern Ireland papers carried strong message of condemnation. Both the *Irish News* and the *Belfast Telegraph* saw the street disorders as a direct threat to the norms of a democratic society. In the first week of the protests the *Irish News* published its updates on violent incidents under a running banner headline 'Democracy Under Attack'. The *Belfast Telegraph* used dramatic bold type to stake out its position. On 7 December, following attacks on the homes of Alliance councillors, its front page said: "Today we all vote Alliance." The attack on the Alliance party, it said, was not just an attack on a particular party but on the processes of democratic decision-making. It editorialised:

For everyone who cares about democracy; who wants an end to sectarian posing and mind games; an end to mindless thuggery; an end to immature reactions to complicated issues; an end to whataboutery; wants no more from politicians who condemn violence

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<sup>71</sup> Wagner, Erica, 'Interview with Seamus Heaney' *The Times* January 28 2013.

<sup>72</sup> David McKittrick: Short Strand: an enclave stranded in a sea of loyalist hatred' *The Independent*, 23 June 2011

with empty words. For those people, the vast majority of the population of Northern Ireland, from whatever political or religious background, we are all Alliance supporters today.

Over the years the *Telegraph* had moved from being the paper of liberal unionism to an attachment to 'shared future' values, and in the weeks before the City Hall vote it had also campaigned strongly against Newry Council's decision to name a children's play park after the republican hunger striker, Raymond McCreesh. While that provided it with a degree of credit with unionists, the 7 December headline was still a bold move. Throughout the protest the paper continued to use its front page for editorial statements. On 15 December, for example, the banner headline on the front page said: "This can't go on". The *Newsletter* was also consistent in its condemnations of violence, and its opinion columns expressed the dilemmas of unionist politicians and columnists who felt they had lost touch with a constituency which no longer heeded their admonishments. The *Irish News*, through its news coverage, cartoons, and opinion pieces expressed alarm that the police handling of events was playing into the hands of the 'mob'. The following headlines from the first week of the protests expressed the mood: 'Questions over how mob got into City Hall yard' (4 December), 'Police should police, not facilitate' (8 December), and 'City brought to a halt for farcical disorganised march' (10 December). Disdain for the protestors was shown in one *Irish News* article on a court appearance by a female protestor where, it was reported, she had been in her pyjamas at the time she attempted to punch a police officer.

This type of reportage was not common. Rather, the three Northern Ireland papers tended to put their focus elsewhere, on the damage to the economy. The concern about the loss of inward investment became part of the story, and in February 2013 when a French firm, Accor, decided to pull out of a hotel investment in Belfast the President of the Belfast Chamber of Trade and Commerce blamed perceptions encouraged by media perceptions of street protests: "If you listen to the media, next to Syria is Northern Ireland," he said.<sup>73</sup> The period of the flag protest saw the media frequently present the consequences in terms of the damage to foreign direct investment and the damage down to local traders, and in particular to cafes, bars and restaurants in Belfast city centre. These voices were regularly sought out by both print and broadcast media to articulate the sense of crisis for local business. The net effect was to demonstrate a divide between civic voices urging reason, and the impassioned voices from the street expressing their grievances.

The BBC faced a particular dilemma. Its mission to 'inform, educate and entertain' created an imperative to seek explanations for loyalist discontent, but spokespersons who could articulate the grievances were hard to identify. The closer it came to the leaders of the protest, the closer the BBC came to providing a platform for those who had no democratic mandate. The term 'community worker' was used loosely as a label for those close to paramilitaries, and their frequent appearances was an irritant to those who felt the airtime given to non-elected leaders conferred a form of legitimisation. A particular edition of the Stephen Nolan television show on BBC 1 served to illustrate how fraught the situation had become for the broadcaster. The 16

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<sup>73</sup> BBC website, 7 February 2013, 'Accor hotel plans for Belfast falter over flags protest'.

January show was billed as a programme on the flags issue and, as usual, tickets were to be given out on a first come, first served basis. On the night about 100 protestors picketed the studio as a protest against alleged media bias, and when potential audience members turned up they were intimidated by the crowd – as a result of which, the tickets were taken by protestors who behaved in a raucous fashion in the studio when the discussion started, heckling and abusing Sinn Féin spokesperson Gerry Kelly. Even the normally unflappable Nolan struggled to keep control of the exchanges, and on his radio programme next morning he said:

what happened last night is that the usual mix of the audience, in the same way they're not coming into the city centre to some of these businesses and some of the pubs ... the usual Nolan mix of the audience, which is basically representing the community and all walks of different walks of life, they didn't come last night.<sup>74</sup>

### *The reaction on social media*

It was on social media though that the real sectarian – and anti-sectarian – battles were fought. There were different fronts in the battles over the Union flag, and while thousands took to the streets, many more thousands took to their computers. Social media blazed with the passions of those who wished to support the protest, those who opposed it and those who simply wanted to have fun with the absurdities of the situation. In the virtual war that was conducted on Twitter, Facebook and blogs, the running was not all made by loyalists. As discussed in Section 5.2 of this report, social media played a role in the organisation and notification of the demonstrations, but arguably its more important role for the protestors was in providing a central nervous system for the communication of feeling and the construction of solidarity from neighbourhood to neighbourhood. Dr Paul Reilly from the University of Leicester has made a study of social media in this period and reports:

Analysis of Twitter activity in December 2012 and January 2013 shows that most people who referred to the flag protests were angry at the disruption caused and critical of the rationale and methods associated with the flag protests. Very little evidence to suggest that Twitter was used to organize and promote flag protests. Although there was a minority of tweets in the dataset that expressed support for the protests, the majority condemned the tactics and behaviour of loyalists involved in the demonstrations e.g. the burning of the Irish tricolour and the involvement of the BNP/Far Right in the protests were referred to in many of these comments.<sup>75</sup>

Facebook pages quickly became the battle ground for virulent sectarianism. The bile that was produced day by day, and night by night might not be out of keeping with trolling elsewhere, but while trolls often individuals directing their anger at celebrities, these posts were resolutely sectarian: Protestants posting about Catholics, and Catholics posting about Protestants. The volume was torrential, but two samples will suffice here to illustrate the tone and tenor. An

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<sup>74</sup> Irish News, 18 January 2013 'BBC accused of bias', <http://www.irishnews.com/news/bbc-accused-of-bias-1223601> (date accessed 1Dec14).

<sup>75</sup> This quotation is from correspondence with the authors. This area is given a fully comprehensive treatment in Dr Reilly's forthcoming book, *Social media and conflict transformation in Northern Ireland* (Manchester: Manchester University Press).

Apprentice Boys bandsman, posting under his own name, put up the following message the night before his band was due to march down the Newtownards Road, past the Catholic Short Strand:

In the morning I will be walking with all my brethrens of the Apprentice Boys, by rights I will be singing the Sash and Derry's Walls on the bottom of the Newtownards Road passing the dirty rats St Matthews chapel, here I no surrender to no fuckers of PSNIRA c\*\*\*s, if any members of ranks try to shut me up, then I will put the Lundys off the road, be warn. It's time to take our beloved country back. No more appeasement, no surrender, God Save the Queen.

The traffic coming in the opposite direction could be just as sectarian (and sexist):

is it just me or are the eejits on the protester page just a bunch of stupid women that make there page look pathetic with their rants, they don't sound like they have an ounce of intelligence between them, by the sounds of it they are totally uneducated millbags, sad day when the only ones the loyalists can depend on to keep them updated are silly sounding immature freaks.

Inevitably, the background noise of the internet chatter was picked up as an issue for policing, but it was a problematic area to tackle. Giving evidence to the House of Commons Northern Ireland Committee on 16 January 2013 Assistant Chief Constable Drew Harris explained:

There is a lot of commentary that is abusive on social media, and the issues we have around that are first, the identification, and secondly, the high standard that now has been set in terms of the criminal standard of proof around what in normal conversation could be regarded as being abusive and what level that needs to reach in terms of then sustaining prosecution.

The legislation governing offensive social media issues is Section 127 of the Communications Act 2003. If a message is deemed to be grossly offensive, indecent, obscene, menacing or false it is irrelevant whether or not it was received – the offence is one of sending. It is not possible to establish from court records how many people were prosecuted for hate crimes using social media in this period. Figures released to the investigative website, The Detail, under a Freedom of Information request show that prosecutions for offences under section 127 of the Communications Act trebled from 29 in 2009 to 112 in 2012, but these totals may include a range of other offences such as sexual harassment and stalking. In addition, the rise in prosecutions for crimes related to social media is part of both a national and international trend, and it is therefore not possible to link increases in this period solely to the flag protest.<sup>76</sup>

### *Satirising the protests*

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<sup>76</sup> Niall McCracken, 'Policing social media v free speech' The Detail, 14 May 2013.



The force of law may have had little impact on the wild west of sectarian blogging during the flag protest, but the force of satire hit the protestors hard. The site that generated most interest, Loyalists Against Democracy, was set up on 10 December 2012, almost immediately after the first demonstrations. The original author explained to us in an interview that he had originally set up a Google account under the name '7 days in December' as he believed that the events triggered by the City Hall vote were certain to be a short-lived wonder. Intrigued by the delusions he found on the mushrooming new loyalist websites he began corresponding with the bloggers and found there was no statement, however ludicrous, that would not be accepted as genuine. He decided to push it further:

I sat down at the computer one night and created a page and gave it this title, Loyalists Against Democracy - I'm trying to be humorous – and I went to bed and when I got up in the morning 50 people had 'liked' the page. I mean, I was trying to be as ridiculous as I could be. I posted one page in particular – it wasn't very funny – complaining about Aer Lingus flying over east Belfast and next morning there were hundreds of comments agreeing with this, each one more vile than the last. (*Interview*)

Others who were in on the joke began adding posts, pushing the sectarian comments a little bit further while loyalists, unaware a trap had been set, continued posting on what appeared to be one of the most hardline websites set up to support the protest. In this hall of mirrors it could be difficult to tell the parodies from the genuine comments. After a certain point the cutting edge of the satire became unmistakable, and it was an edge that cut deep with those being ridiculed. The LAD website moved quickly to the next stage and declared its purpose, manifesto-style:

We exist to satirise the extremist dickheads within society who are intent on dragging Northern Ireland back to the bad old days. The six people who put LAD together are from across the political/religious spectrum and we do this for no financial reward.

The site used phonetic transcription of working-class Belfast speech for its mocking slogan 'Respect Are Culture' and its spoof statement of purpose:

They say that democracy has taken our fleg, well let's say no to democracy and yes to are fleg. Are fleg will flow again.

The popularity of the site meant it became essential viewing for politicians, protestors, police and all those following the unfolding drama. Writing in the *Sunday Times* Newton Emerson described it as the 'real online wonder of the year' and 'the most intriguing use of satire in Northern Ireland's history':<sup>77</sup>

Few internet users in Northern Ireland, whatever social media chamber they are boxed into, can have escaped LAD's output. Scarcely a week passes without something from

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<sup>77</sup> Newton Emerson, 'Respect Are Culture' *The Sunday Times*, 1 September 2013

the site going viral. One of LAD's spoof music videos was viewed 100,000 times within days, which is remarkable in a region of 1.8m people.

Martin McGuinness was claimed by the LAD team as one of those who visited the site, as was the leader of the Green Party, and PSNI officers we spoke to admitted they found the site very amusing. Even some of the flag protestors we interviewed confessed a sneaking regard for the jokes, but its real appeal was to a young middle-class audience which saw this form of satire as a necessary resistance to sectarianism and mob rule.

The loyalist response to LAD was two-fold. First there were attempts to have its Facebook page taken down. Loyalists reported to Facebook administrators that its pages were full of sectarian hate crime. Ironically the evidence for this, evidence which prompted Facebook to act, was none other than the loyalist messages which LAD had been re-posting. The page was 'unpublished' by Facebook repeatedly (five times in one particular week) until the Facebook administrators were finally convinced of LAD's anti-sectarian intent and a rapprochement was reached. The other tactic was to hit back, but this was an uneven struggle. The chief target for the mirth of the LAD team has been Jamie Bryson. He has frequently responded, and these responses have sparked even more outrageous attacks from his tormentors. On his personal blog on 3 December 2013 he wrote:

Perhaps those behind LAD, who are so fearful of being unmasked, have at one time in their lives themselves been the victims of bullying or hatred. If so perhaps they should recall how this hurt them and deal with their own personal issues instead of projecting this onto the bullying of ordinary people simply expressing their cultural identity.

By that stage however the damage had been done. Satire had made the protestors appear a form of illiterate underclass, and the success of LAD inspired other parody sites to join in: Facebook pages appeared with names like Themmunds, and Loyalists Against Everything. During the flag protest some people found things to laugh at, and some other people found they were being laughed at – for them the experience was painful. Satire proved to be an unexpectedly powerful weapon.

#### 4.5 The role of civil society

At previous periods in the Northern Ireland peace process civil society – in the form of churches, trade unions, business organisations and voluntary bodies – played a part in creating the mood music for compromise. This did not happen to any significant degree during the flags dispute. Dawn Purvis, former leader of the PUP, described to us the contrasting experiences she had of the engagement of civil society in the run-up to the Belfast Agreement, and the situation as it evolved during the flag protest:

I remember 1998 and the push from church leaders, from business leaders, from trade unions and others to say 'Right, we want you to do this deal, we *need* you to do this deal because we want to build a better society.' Where are they all now? They've

disappeared. ... whilst I do know individuals within civic society... engaging with loyalism, who are trying to understand what happened and trying to assist ... I don't hear that voice publicly. *(Interview)*

At the early stage of the protests two demonstrations were held at Belfast City Hall on consecutive days to try to recreate the spirit of the peace rallies of the 1990s. On Saturday 15 December several hundred people linked arms to encircle Belfast City Hall for a five minute prayer vigil. The following day approximately 1,000 people converged, again at the City Hall, for a 'Peace Gathering'. They clapped, cheered, blew horns and banged drums for five minutes to represent the 'anti-silence' of the silent majority. Their commitment was unmistakable but the numbers were lower than the 4,000 who had pledged on Facebook to attend – quite possibly because of the threatening chatter on loyalist websites about the event. A second rally was held on 13 January and attracted a similar turnout. Like the protestors, the peace activists found that the internet amplified the voices of support, but like the protestors they found that support was often more at home in cyber space than on the streets.

The churches as institutional bodies failed to make any significant intervention in the flags dispute. This was not in itself surprising. A book published in December 2011, *Religion, Civil Society and Peace* in Northern Ireland, written by sociologists John Brewer, Gareth Higgins and Francis Teeney concluded that the main churches had failed to provide moral leadership during the Troubles. The accompanying argument was that the main ecumenical drive has come from below, from mavericks and community-based initiatives. We found evidence of initiatives of this kind in our research. To give one small example, the 174 Trust is a peacebuilding project in north Belfast and the director, Rev. Bill Shaw, told us how he raised the issue of the flag protest at a cross-denominational meeting of local churches:

So I challenged the assembled group and said ...'You know, if they're erecting flags outside your church or up the road from where you worship – rather than just condemning them are you going to meet them? Are you trying to have a conversation? And they said 'no'. So I said do you not think that would be more constructive? *(Interview)*

As a result some flag protestors including the leader of the PUP, Billy Hutchinson, participated in discussions with church leaders in north Belfast. One other initiative had been scheduled prior to the flag protest to coincide with the Week of Prayer for Christian Unity. This was the Four Corners Festival, an initiative to get Christians from different denominations to meet in the 'four corners' of Belfast, thereby travelling to places they would not normally go.

The Four Corners meeting which took place in east Belfast on 31 January provoked a riot. The session had been billed as Listening to your Enemies and the platform speakers were the IRA man who planted the Brighton bomb, Patrick Magee and Jo Berry, who had lost her father in the bomb. A hostile crowd gathered outside, and bricks stones and fireworks were thrown. One of the spokespersons of the flags dispute, east Belfast resident Jim Wilson, tried to remonstrate with the protestors. He had attended the meeting in order to challenge Patrick Magee, but

when he came out he was verbally attacked and had his car damaged. Speaking to the BBC next day he said:

When I came out, I got verbal abuse from my own community. My car was hit with bricks. I was called a traitor. I was so hurt about what happened last night, because I have been working with this community for 40 years.<sup>78</sup>

When the protestors attempted to bring Belfast to halt on 11 January through 'Operation Standstill' a social network campaign was launched called 'Operation Sit-in' which encouraged people to come in to use the city centre bars and restaurants. A second campaign followed, called Backin'Belfast. Organised by the Belfast Visitor and Convention Bureau in consultation with BCC (with enthusiastic support from a wide range of business organisations) it was in essence a marketing campaign to encourage people back into the centre. On 23 January the Finance Minister Sammy Wilson announced that the Executive would contribute £600,000 to the campaign through the Department of Trade and Investment. The DETI Minister Arlene Foster said:

Now, more than ever, it is vital that we support our local businesses during what are extremely trying trading conditions. We need a vibrant city centre and I would encourage everyone to support our shops, pubs and restaurants.

There was an irony in the fact that the campaign to counter the effect of the protests was funded by two members of the DUP. A further paradox was that a bottom-up response relied heavily on government support. Both the Sit-in initiative and the BackinBelfast campaign did succeed in bringing people back into the city, but neither lived up to the hype. While local media uncritically rehashed the press releases on the number of tweets and Facebook messages, the actual support always lagged behind. Civil society had responded, but not in any way that significantly shaped events.

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<sup>78</sup> BBC website, 31 January 2013, 'Four policemen injured during ex-IRA bomber protest', [www.bbc.co.uk/news/uk-northern-ireland-25957468](http://www.bbc.co.uk/news/uk-northern-ireland-25957468) (date accessed 1Dec14).

## 5. WHO ORGANISED THE PROTESTS?

The widespread scale of the flag protest prompted speculation about ‘who was behind it’. For many, the scale of the protests seemed out of proportion to the trigger event, and this allowed for speculation about organisations exploiting the issue for their own ends. Writing on 18 December 2012 on the unionist commentator Alex Kane observed:

All that can be said with any degree of certainty is that the ongoing protests (supposedly about restrictions on the flying of the Union flag as Belfast’s City Hall) are being carefully orchestrated. What isn’t so certain is – by whom, and for what specific purpose? <sup>79</sup>

A number of explanations are possible:

### 5.1 Political manipulation

A suspicion that lingered was that the unionist parties, and in particular the DUP, were hoping to gain electoral advantage in east Belfast, and were happy therefore to see the street disturbances maintaining a level of pressure on the Alliance party. The presence of both DUP and UUP politicians on some demonstrations was seen as evidence that their public condemnations came with a nod and a wink to the protestors, and that the paramilitaries and the street mobs were in fact acting as attack dogs for their political masters. Our interviews show a quite different picture. Rather than an accord between the political elite and the protestors a deep discord opened up between them.

While a few DUP figures were awarded a degree of respect by protestors, this only applied when they distinguished themselves from their party colleagues. Belfast DUP councillor Ruth Patterson had participated in the protests and had been extremely vocal in her accusations of police brutality against the protestors, and gained notoriety in August 2013 when she was charged with hate crime after responding positively to a Facebook posting which fantasised about killing particular Sinn Féin leaders. The staunchness of her support was used by some of those we interviewed in order to mark the contrast with the leadership of the DUP and in particular Peter Robinson for – as they saw it – bringing them out on to the streets and then disdaining them for their actions when the trouble erupted:

We were asking for [names local DUP councillor] to come to speak to the people on two occasions but he refused. He said there would be no point, that it would be a heckling match etc. etc. [Another DUP councillor] came down on one occasion and got an unfair, or pretty rough ride. So the relationship between the community and the DUP had totally vanished. There was no confidence in them. *They’d let the genie out of the bottle but they didn’t know how to deal with it. (Interview with man with UDA links, emphasis added)*

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<sup>79</sup> Alex Kane ‘The working class can kiss my ass’ The Eamon Mallie Blog, 18 December 2012

The DUP ramped everybody up, but left everybody high and dry. (*Interview with Leader of Ulster People's Forum and Protestant Coalition*)

Our politicians didn't show leadership, our politicians were too busy saying 'Oh, if there's going to be trouble, or it's going to be illegal, we don't want involved. We don't want anything to do with terrorism.' [Yet] It's alright for them to sit up in Stormont with terrorists. (*70-year old grandmother, protested at Drumcree and frequently attended flag protests*).

A very public expression of loyalist anger against the DUP took place at the Skainos Centre on the Newtownards Road on 26 January 2013. Peter Robinson had decided at very short notice to come to talk to the grassroots in his own constituency, but he was heckled and his car was hit by a flagpole as he made his exit. It was a telling moment, with an echo from an event ten years before. In 2003 David Trimble was jostled by a DUP crowd while campaigning in his own constituency and the atmosphere was so threatening he had to speed off in his car. "You can't even walk in your own constituency," said Iris Robinson on that occasion, suggesting that the Trimble era was over.<sup>80</sup> Now, ten years on, Peter Robinson was finding it difficult to appear in public in east Belfast – the irony being that the protests had begun with a leafleting campaign designed to boost his party's chances in this very constituency.

## 5.2 The use of social media in organising protests

The rapidity with which the protests took off inevitably led to comparisons with the English riots of 2011. Those riots began in London but spread with astonishing speed through other English major cities, and in the various analyses which followed much attention was focused on the role of social media as the catalytic force. The increased connectivity afforded by social media had also been noted as a factor in mobilising crowds across a range of theatres: notably in the Occupy movement, the Arab Spring and the Egyptian revolution of 2011. Inevitably it was offered as a partial explanation for the way in which the protests took off in Northern Ireland. Following the attack on the police car outside Naomi Long's office on 10 December 2012 the Chief Constable Matt Baggott said: "I think what we are seeing here is the work of the social media bringing people out."<sup>81</sup> There were others who shared this view. Jackie McDonald of the UDA-linked UPRG spoke of the "Face[less]book mob".<sup>82</sup> In a similar vein, an older, well-known unionist figure described the use of social media in the protests as crippling the effectiveness of unionist leadership:

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<sup>80</sup> BBC website, 18 November 2013, 'UUP and DUP in public row'.

<sup>81</sup> UTV Live News, 11 December 2012, 'Social media is stoking the violence'.

<sup>82</sup> Brian Rowan, 'Faceless Book: street farce and protest folly,' Eamon Mallie Blog, 18 December 2012

I put it down to Facebook: everybody's a leader. That's what ultimately broke the protest – there was so many new ideas. Three would follow one leader, four another perceived leader and they're all doing different things. (*Interview*)

Attributing agency to the technology in this way did however beg the question of who was sending messages to whom – and for what purpose?

Comparisons with crowd mobilisation in other situations tend to use the term 'social media' as a generic without distinguishing between particular forms of technology or particular usages. In the English riots the trigger event was the shooting of Mark Duggan in Tottenham; within hours of the first protest demonstration outside Tottenham police station a Facebook site was set up and requests were made for news in order to coordinate activities. Twitter then took over as the fastest way for protestors to spread information, but its disadvantage was that it was open to police monitoring and therefore to the speedy interception of riots. The key technology for the English riots quickly became the BlackBerry Messenger (BBM) handset. As a mobilising device it had a number of advantages: firstly, it is a closed system and the English police were unable to break into it; secondly it allows for quick one-to-many messages to be sent out to contacts; and, thirdly, it was the smartphone of choice for English teens in that period (a 2011 OFSTED report showed it had a 37 per cent share of the market).<sup>83</sup>

Northern Ireland presents a very different case. There is abundant evidence that social media was used widely throughout the period of the flag protest; there is very little evidence however of it affecting events in any meaningful way. The many new websites, blogs and Facebook postings were followed avidly by all sides, and while they amplified the sound of sectarian abuse they did very little to alter the shape of events. Interviewees commented on the power of social media to rapidly garner a wider range of interest, but many noted that such interest could dissipate just as quickly, and it certainly did not make for more secure or ordered protests. Furthermore, it seemed that, in contrast to the English riots of 2011, the most active use of social media was almost as a substitute for active on street action. Answering questions at the House of Commons Northern Ireland Committee on 24 February 2013 Assistant Chief Constable Drew Harris was pressed as to why there had not been more arrests:

But what we find is when disorder breaks out, the social media chatter dwindles to almost nothing, and so outside of these events there is a lot of social media activity, but actually during serious disorder it dwindles away to nothing.<sup>84</sup>

It was very common for the schedule of protests to be posted on social media websites but always with the proviso that these should be peaceful. The logistical planning of riots took place elsewhere. This is confirmed by the evidence we have gathered from websites like Save Our Union flag and the Union Flag Supporters Page, both of which (in common with other flag protest websites), were heavily moderated to prevent against trolls and also against possible

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<sup>83</sup> The most authoritative account of the London riots and the role played by social media can be found in the joint publication by the Guardian and the London School of Economics, *Reading the Riots* (2012).

<sup>84</sup> Hansard, uncorrected transcript of oral evidence, Northern Ireland Committee, Current Issues Facing the PSNI, 24 February 2013.

legal action. The disclaimer (noted above) that was carried by the Union Flag Supporters Page is typical:

This page was set up to show support for all the peaceful protests taking place. We do not organize protests.

The interviews we conducted with flag protestors confirmed that social media was distrusted as a means of communicating any significant messages:

Then you had people putting messages out on Facebook. But when you're going to war you don't put on the media that your army's coming to war!" (*Belfast flag protestor*).

So when I was seeing things off Facebook 'Anyone going out to protest? Blah, blah,blah.. we're going out' I thought Jesus Christ, the police only have to come on there and see what youse are writing and you'll all be done for sectarianism and racism. (*Female protestor, Newtownabbey*)

Another protestor who described herself as a regular user of Facebook, Twitter and Linked-In explained that she did not regard any of these as a 'safe friend' for exchanging information about the protests, but instead relied on texting and on using "the network that we have within our friends" (*Interview with flags protestor who went on to be key organiser of the Twaddell Camp*). The loyalist community in Northern Ireland is in many ways the opposite of the modern atomised society; it is, rather, a densely networked series of local community associations, marching bands, history societies, victims' groups, loyal lodges, church groups and a myriad of other associational groupings that allowed covert communications to by-pass social media when it was deemed necessary.

One form of social media that was thought useful was 'sousveillance' a term coined by citizen journalists to describe a process that is the opposite of surveillance – that is to say, the electronic monitoring of police behaviour by the protestors. Dr Paul Reilly from the University of Leicester has looked in some detail at the sousveillance clips posted on YouTube. On 12 January, for example, the majority of the 1,448 posts left on the Loyalist Peaceful Protestors Site showed an alleged PSNI assault on a pensioner (whose subsequent death some months later was attributed by the website to this incident and subsequent encounters with the PSNI). In fact the evidence of the YouTube clip is not as supportive of this argument as the website believes, and the Police Ombudsman' Office examined 170 hours of YouTube clips without finding the instances of police brutality alleged by the protestors. Rather than finding a 'smoking gun' the evidence was of the opposite: of police forbearance in the face of provocation.

The most highly viewed footage came from someone who styled himself as a citizen journalist and, with the use of lights and good quality equipment, filmed right into the faces of the PSNI during confrontations. His clips had a sense of immediacy and attracted a huge following as a form of front line journalism. PSNI Chief Superintendent Sean Wright claimed that the initial support from the paramilitaries for this citizen journalist faded as the broadcasts went on:



despite this original support from loyalist paramilitaries, he fell out of favour with them because ... as time went on they realised, 'he's not actually capturing police brutality. He is showing that police are being restrained and disciplined. (*Interview*)

As discussed elsewhere in this report social media became a way of mocking and baiting the protestors (see Section 5.2) and it also was a means for venting views hostile to the protest and to the protestors. On the other side of the balance sheet its main benefit to the protestors was the way in which it acted to create a sense of online solidarity. The sense of mutual support and a shared sensibility was of importance to the protestors, but it did little to affect the direction of the protest.

### 5.3 A 'people's protest?'

By any standards the protests were anarchic: forms of communication and authority tended to be horizontal rather than vertical, and there was no sense of any overall coordination or purpose – other than to be on the streets demanding the return of the flag. As Rev. Mervyn Gibson the Orange Order leader explained to us:

To be honest, as I said, if you were a paramilitary and organized those riots you'd have resigned because they were the worst organized riots I'd ever seen. When I went to try to deal with them there was nobody to talk to because there was no leaders, where if there had been paramilitaries you would have known who to go to talk to. You may not have addressed it or sorted it out but at least there would have been a structure there. (*Interview*)

The leaders who were thrown up, most notably the trio of Jamie Bryson, Willie Frazer and Jim Dowson, were leaders in the sense of being spokespersons, but when they attempted to create organisational structures like the Ulster People's Forum or the Protestant Coalition they had difficulty being accepted as generals.

The view that was expressed to us most frequently was that "this protest belonged to the people". When expressed like that it seems like a positive, but the interviews revealed that those who committed to the protest felt bereft and longed for leadership. Bryson, Frazer and Dyson were not aligned with any traditional party or organisational structure and were therefore seen to lack gravitas. In addition, their fondness for stunts and media attention created vexation: phrases like "clowns" and "muppets" were used by interviewees – though it would have to be said they retained some support because of the court actions against them, and there was a degree of personal respect for Frazer because he was seen to be brave enough to go into republican territory and take the argument to the enemy. Largely though the protestors felt that, once the protest was launched, they were left rudderless:

People were on their own. There was nobody, there were no leaders that really came out. There was nobody for us. For some reason nobody came out. You did get the odd one individual and their opinions down to help with the people. But I don't believe any

organisation sort of organised. (*Interview with Leader of Ulster People's Forum and Protestant Coalition*)

So at every protest in Rathcoole there was no leadership. Not because no-one wanted it, but because no-one wanted to don the leadership. If you don the leadership then the police would have pointed you out and arrested you. (*Interview with Rathcoole protestor who served sentence for riotous behaviour*)

## 5.4 The role of the paramilitaries

There are two main paramilitary groups in Northern Ireland, the UDA and the UVF, and both had members or associates who were involved in the protests over the flag. That involvement however was not as is sometimes assumed: they were not executing a plan, or controlling the direction of the protest, but rather there were elements who worked to soften the violence concerning the flag protest and others who encouraged it. Neither organization operates as a coherent unit, and generalizations about the role of either the UDA or the UVF are likely to misrepresent the complex and shifting roles of the groups and the individuals associated with them.

The UDA decommissioned its weapons in January 2010. In May 2011 six of its leaders were treated as honoured guests of the Irish President when the Queen made her visit to the Garden of Remembrance in Dublin. In October 2011 the fact that it remained an illegal organization was quietly set aside to allow it to visit Washington where its representatives made calls on the Irish embassy, the Northern Ireland Bureau and the offices of various Congressmen. The Independent Monitoring Commission (IMC) in its final, 23rd report in 2010 praised its peace-building efforts in north Belfast, and in particular the triangular relationship that had developed between the UDA, Sinn Féin and the PSNI – a working arrangement which brought a new *détente* to bear in relations along the Tiger's Bay/New Lodge Road interface. The IMC had also pointed out that the loose brigade structure of the organisation meant that the situation in North Belfast could not be taken to represent the organisation as a whole, and that it was still involved in criminal activity - 'some of it serious' – in other brigade area. The breakaway South East Antrim UDA was singled out as a particularly dangerous faction.

The UVF has also been involved in peace-building initiatives and unlike the UDA has had some, if limited, electoral success. The Progressive Unionist Party at one point had 2 MLAs and they have had representation on Belfast City Council the early 1990s. In 1994 the party leader Hugh Smyth was elected Lord Mayor of Belfast. Party leaders David Ervine, Dawn Purvis and Billy Hutchinson were strongly identified with the peace process, particularly in the lead-up to the Belfast Agreement, and with the creation of a labour -influenced social programme. The organisation's involvement in peace-building has led to the restorative justice project, Northern Ireland Alternatives, and the conflict transformation project, Action for Community Transformation (ACT) – which also has the support of the Red Hand Commandos (RHC) Those positive forms of transition represent one trend within the organization, but internal feuding and the criminality

of some units, in particular the East Belfast UVF, have made it very difficult for the progressive elements to hold sway. The threat of prosecutions for historical crimes has proved destabilising, and within the organization there has been a fear that an 'invisible hand' – generally understood to be state forces – has been working to manipulate factional disagreements.

The lack of strong central control was very evident during the flag protest. In some areas leaders aimed to manage anger and frustration, allowing for its expression while at the same time cautioning against any use of violence. In other areas, particularly east Belfast, sections of the UVF were clearly involved in the orchestration of the violence, a point made repeatedly by the Chief Constable. These divergent responses by the loyalist paramilitary organizations made for some odd juxtapositions. While members of both organizations were involved in street rioting, there were paramilitary leaders who opposed the violence and in fact decried the whole flag protest movement in stronger terms than the leaders of the mainstream unionist parties - in some instances lampooning those seen as the primary spokespersons. Jackie McDonald from the South Belfast UPRG argued for cool heads:

If the flag is worth fighting for, surely it is worth voting for ... We need loyalism built on reality – not myth or perception. We need to look at exactly where we are, accept reality and then decide what we are going to do, if anything. Loyalists are a reactionary people, but sometimes you need to take a deep breath and make sure you don't do what the other side want you to do. We try to bring a reality to the room. It's to explain to others how their actions play out within loyalism.

McDonald sought meetings with all leaders of unionism in December 2012 in order to help broker some form of unionist unity and restore order to the streets. The creation of the Unionist Forum in January 2013, which included paramilitary-linked figures in its leadership, was very much welcomed by the UDA leadership but unionist unity was short-lived. Reflecting on this period in November 2013 McDonald said that instead of uniting unionism the flag protest had the opposite effect: "We were all angry when it happened, but instead of bringing us together, it tore us apart".<sup>85</sup> McDonald's colleague in east Belfast, Jimmy Birch, had been even more forthright in his condemnation of the riots:

We are so predictable. They [Sinn Féin] are playing us - they're like our band captain - they're calling the tunes and we're playing them. And every time they call the tune, we take to the streets, we wreck our own areas, we fight with the police, we burn our own cars and we stop our own people going to work and coming home from work and disrupt our own people's way of life. It's wrong, we need to take a step back and we need to stop being predictable.<sup>86</sup>

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<sup>85</sup> Brian Rowen 'Flag row didn't unite unionists, it tore them apart' Belfast Telegraph, 13 November 2013.

<sup>86</sup> BBC website, 13 January 2013, 'Flags Protest – UDA speaks out', [www.bbc.co.uk/news/uk-northern-ireland-21003472](http://www.bbc.co.uk/news/uk-northern-ireland-21003472) (date accessed 1Dec14).

This approach commended itself to the PSNI. When giving evidence to the House of Commons Northern Ireland Committee in January 2013 Assistant Chief Constable Drew Harris made clear he saw distinctions within the paramilitaries in their responses to the protests:

In respect of the UDA, they have not been involved in these protests in any shape or form. They have set their face against them. South East Antrim UDA, which is a separate body now, have been involved in the protest and disorder. The UVF, particularly the East Belfast UVF, have been involved in the protest and disorder.

The complexity of the paramilitary response was evident in the interviews we conducted. A female community worker who lives in an interface area described the process at local level. First, a leaflet came round the doors asking people to meet at the main road at a particular time:

*Q: Did that happen, was there a lot?*

There was, there was quite a lot.

*Q: Okay, so the UDA sent you up there and then did they decide you were going to stay up there?*

It was supposed to be on certain nights. I went up the first night to observe because I was on the residents' association at the time and I wanted to see what way they were conducting themselves...

*Q: How many people were there?*

I would say about 60, 70.

*Q: And how would you distinguish yourself from anyone else who was there who wasn't a protestor. Say I was police or media, would I know you weren't a protestor?*

You wouldn't.

*Q: So a lot of people would have been considered to be protestors?*

I think a lot of people were there who would have been angry at the decision that was made about the flags, but I think there were who were people there who were afraid not to be.

*Q: So, is there in an estate like this, paramilitary pressure?*

Yes, yeah, definitely.

This community worker was satisfied that the UDA did attempt to keep the protest peaceful – that is to say, they avoided conflict with the police – and interviews with UDA members confirm that this was the policy that some tried to implement. For this they received good cooperation from the PSNI. For example, in an estate outside Belfast, Davey (not his real name) was coordinator of a small weekly protest. He is someone with strong UDA connections and was asked by the UDA to take on this duty at the very beginning of the protest, just after the City Hall vote:

I was phoned the first night of the protest, I was phoned there was a gang blocking the entrance and front of the estate. This is after City Hall. I was phoned by a local community worker – for want of a better word.

Davey made contact with the PSNI inspector, and they struck an arrangement whereby the police would not trouble the protestors as long they did not block the flow of the traffic. It became their practice to stand around a bollard in the middle of the road, but at one point the Inspector contacted Davey and suggested they move to the pavement:

It was snowing and it was deep. It was the beginning of last year, the time of the heavy snow. The Inspector came over and said 'Davey, what I'm worried about is a car coming up there, maybe not seeing youse, putting the brakes on and you'll be cleaned like skittles.' So we says, 'Fair enough, no problem'. So we done it at the side of the road, on the pavement. I actually agreed with him because we were standing there watching these buses come by and the snow was that deep in the road and I thought, he's right there. But apart from that we just do our walk on at six o'clock and walk off at seven o'clock.

Davey paid a price for this friendliness with the police. It was reported on Facebook that he had shaken hands with a police inspector and for this he was excoriated as a traitor.

Another UDA-linked community development worker described to us how Jackie McDonald drove into his estate when the protests were provoking too many negative reactions from local residents who resented the road closures:

I asked Jackie if he would come and sit round the band hall and I got some parents to come and listen ... And he said, 'look we're trying to do something different here ... We're having a lot of meetings with politicians, you can come and be part of the questions and answers thing. ...so don't be getting lifted here. .... So I think a couple of them listened and went over to a meeting in Finaghy with political representatives of the SDLP or the UUP and the DUP and that sort of way got them thinking 'Is there another way around this?' (*Interview*)

There were other examples of the flag protests taking working-class Protestants into unexpected engagements. In Derry-Londonderry, for example, flag protesting that included paramilitary elements led to meetings with local community outreach workers. The positive development was that the protestors subsequently became involved in inter-community events such as the fleadh as part of the City of Culture events.

Mostly though the flag protest was an unhappy time for the leadership of the paramilitary groups. There was sympathy for the protestors, but concern about the uncontrollable nature of events. In private conversations with one of the authors it was evident that there was a general anger over the flag decision, but also a sense that actions undertaken such as rioting were injudicious and unwelcome. These conversations also contained harsh commentaries regarding the flag protest leadership who were viewed as intent upon stirring up bigotry and mayhem that would undermine progressive loyalists, especially those who aimed to continue meaningful inter-community engagement.

We have been told that the area where the tension between regressive and progressive elements was most pronounced was in east Belfast where the UVF, already involved in sectarian violence, used the flag protest to gain recruits and expanded their influence. As explained by a youth worker involved in a UVF-linked community project:

Sometimes the riot was, it was right outside the doors of people that could have clicked their fingers and made people disappear. (*Interview*)

This was very much the view of the PSNI at the time. On 11 January the *Belfast Telegraph* carried an article entitled ‘The Beast from the East’<sup>87</sup> could put an end to flags violence right now – but he won’t’. In it a senior security source was quoted as saying, “Their boss isn’t stopping them... he does have the power to stop it.”

In short, there is no doubt that paramilitaries were involved in the violence of the flag protest, but this should not be seen as a centralised operation or one which enjoyed support across the board. Rather, the progressive and regressive wings of loyalism, which had been at odds ever since the Belfast Agreement, found their hostilities exacerbated by the protest. This was most evident in north Belfast where the UDA leadership held out against the protest, only to find themselves threatened by internal feuding in its wake. For the UVF the police and media attention on the activities of the east Belfast unit and its involvement in various forms of criminality was an extremely unwelcome development. At the same time if it did not assert itself it risked losing control of the newly militant young people who had taken to the streets. That dilemma was intensified by the arrival of a cohort of militants who were not operating through the traditional paramilitary structures, but were organising autonomously. In an unanticipated protest, they were the unexpected presence.

## 5.5 The ‘flag provocateurs’

The PSNI had set up Operation Dulcet as its response to the flags dispute. On Monday 14 January, immediately following the serious rioting in east Belfast on Saturday 12 January, this moved up a gear with the creation of a centralised command of some 40 officers. This allowed intelligence on rioters to be shared immediately across districts, and the newly created unit was quickly able to identify pattern behaviour by provocateurs operating outside paramilitary or other structures. They were identified by the centralisation of visual data collated from a range of sources: CCTV, hand-held cameras by PSNI officers on the ground, helicopter footage, and cameras mounted on Land Rovers - added to which, there was a crop of crowd-sourced images coming online each night for the protestors’ own websites. Key individuals travelling from one place to another were identified as ‘flying rioters’. Detective Superintendent Sean Wright who was in control of Operation Dulcet describes what happened:

We had people who came from as far apart as Portadown, Omagh, Armagh, Lurgan direction and were found rioting in Belfast. These were people who travelled together

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<sup>87</sup> ‘The Beast from the East’ was a tabloid term used to refer to the leader of the East Belfast UVF.

and ended up being caught for serious offending. We were aware of some convoys of vehicles of people travelling together, particularly into east Belfast, in order to riot. (Interview)

Wright distinguishes two subsets of this category: firstly, there were firebrand individuals who brought an additional energy to any crowd gathering and, secondly, there were networked groupings which operated as teams. Even in the latter case the networks were loose and informal, people who knew each other socially and whose communications could remain covert. A study of the flag protest in Garvagh showed that one network was made up of young men in their twenties who had bonded through a 'blood and thunder' loyalist band. They were interviewed about their motivation:

It was as if they sensed that their generation had come of age and had a date with destiny. One got the sense that they had something to prove. An obligation to be 'ultra staunch' or 'super Prods' and the flag protest gave them a chance to be blooded and win their stripes.<sup>88</sup>

The flag provocateurs did make some use of social media, but as Wright describes their modus operandi, those who were 'very provocative on the ground were not so provocative on their social media' (Interview). Once again, the dense networks of the loyalist community allowed them to remain below the radar of surveillance, but on the other hand the frequency of their appearances allowed police to target them as key actors.

The flag provocateurs differed from the paramilitary organisations in that they did not bring additional baggage to the protest: they were not driven by the concerns about the Historical Enquiries Team or the impending supergrass trials, and they were not trying to recruit to an organisation or to expand its influence. They might well have been sympathetic to all those things but they were not operating to any central command, and they were not cells of any overarching structure: they were, rather, small autonomous units and individuals driven by a passionate sense of injustice on this particular issue, and their passion made them willing to be combative in crowd situations. To add to the complexity of the situation they were joined by individuals from paramilitary units who were operating outside their own neighbourhood areas. Thus, for example, while the north Belfast UDA had decided on a non-violent approach there were individual members of the north Belfast UDA who travelled to other parts of the city in order to be part of the action.

Taken together, the paramilitary members freelancing in other areas and the flag provocateurs were still a very small percentage of the protestors. Their influence however was disproportionate to their numbers, as their militancy had a catalytic effect within crowds and their mobility acted as an accelerator as the riots rolled from place to place in the months of December and January. In responding to the threat they posed the PSNI borrowed tactics from the English police, and in particular from the London Metropolitan Police Service. While the Metropolitan Police had won praise for the speed with which it identified and prosecuted

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<sup>88</sup> Glendinning, W, and Watson, J (2013) Flagging it up. Parish of Errigal and Desertoghill: Community Relations Council.

rioters during the August 2011 riots, these were all after the event; by its own admission, 'Limited success was achieved in predicting and preventing disorder'.<sup>89</sup> The subsequent revision of its tactics was of use to the PSNI. Superintendent Wright distinguishes between two approaches: the reactive, dealing with events that have taken place and the disruptive, which acts to prevent events from taking place:

You end up with various strands in investigation. You end up with a reactive response to what has happened ... We then have a disruptive side to the investigation which is aligned with a proactive element. So things like social media, things where we become aware of particular protagonists, those who are encouraging people out onto the street for violent disorder, then we will look to see what investigative opportunities exist for us to disrupt those individuals. (*Interview*)

The flag provocateurs were seen as a key category for Operation Dulcet once the centralised intelligence system began to identify their inflammatory power. They were also identified as individuals and a series of arrests began in order to curb their influence. Removing them from the picture had an immediate effect on the dynamic of the protest.

The inflammation sparked by the flag provocateurs would not have occurred however, had the mood not have been so tinder-dry. Any analysis of 'who was behind the riots' has to consider the combustibility of the mix, and how one part acted upon another. None of the elements described above was on its own enough to create the public disorder that was sustained over the four month period of the flag protest. Politicians may have created the political climate, but they were not in control of the action on the streets. Paramilitaries acted in defiance of them, but they were not wholly in control of the streets either. People from loyalist communities, sometimes using social media and sometimes not, took to the streets and among their number were people whose burning sense of injustice acted to inflame others. It was the fact that no single force was in charge of the disorder that made it so difficult to contain.

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<sup>89</sup> Metropolitan Police Service (March 2012) Four days in August: strategic review into the disorder of August 2011, p.104.



## 6. WHAT CAUSED THE PROTESTS?

### *Why people protest*

To block a road or to gather on a street corner not only causes inconvenience, it is also disruptive to the sense of security that comes through collective observation of 'normal' behaviour. Part of the effectiveness of street protest is that it disrupts the expected norms of social interaction, creating the impression of unruliness and the potential for a 'spiralling' of disorder. The reason people take to the streets in the first instance is because they wish to see change in social practices and institutions and they see the normal means of stimulating such change to be ineffective or even closed to them. The protestors' disruption of a democratic decision was a deliberate tactic to open up new channels of political influence and cultural communication.

The removal of the flag from City Hall stimulated some to respond because it was perceived to have implications for each individual of a wider 'unionist family'. But any claim to being a unifying movement was not substantiated due to internal fragmentation, diversity and the fluidity of unionist identity. The flag decision was incendiary but not, in itself, the focus for the campaign *per se*. There were numerous mobilising factors and several different sub-groups among the protestors. In identifying these various causes we can account for why there was such a rapid assertion of anger and frustration among protestors.

There were six broad drivers of mobilisation that we can identify as significant in the flag protest:

- **Social:** arising from generational and gender differences
- **Emotive:** arising from a sense of alienation and disempowerment
- **Ideological:** arising from opposition to the Agreement
- **Cultural:** arising from a desire to 'defend' traditions and identity
- **Political:** arising from dissatisfaction with political institutions
- **Economic:** arising from of material and socioeconomic disadvantage

Not one of these were a predominant cause and each has arguably been an aggravating factors in poor community relations for many years. However, the rising tensions within BCC, and the apparent coming together of a number of these factors, meant that they came to be viewed as by the protestors as 'crises' requiring immediate action.

### 6.1 Social drivers: the impact of gender and generational differences

#### *Youth: carrying the legacy of conflict*

Many children and teenagers in Northern Ireland have inherited a legacy of conflict that has negative influences upon their personal experience and their socio-political views.<sup>90</sup> Large scale studies of the attitudes of children and teenagers in Northern Ireland continue to show an awareness and wariness of community divisions, and evidence from other types of research with young people shows that this 'inheritance' has highly negative consequences for their personal experience and for their socio-political views.<sup>91</sup> One middle aged community worker from Dunmurry described the way legacy for young people was demonstrated in the flag protests:

There are very little job opportunities for young men and educational under achievement is a big thing, so they have to find an identity and the only identity they can find is maybe something in the past which most Loyalists wouldn't say was glorious at all.

This comment summarises the common explanation that active loyalism is attractive to some disadvantaged youths because it provides an 'identity' and with this, membership of a group and a place and role in society – essential social needs that are otherwise difficult to find for young people with low qualifications and few job prospects. The fact that a young generation is finding a mobilising cause which centres on a historical position rather than campaigning for a better future arguably reflects the current political environment of Northern Ireland today, which has struggled to make progress on policies relating to cohesion, integration or a shared future.

Some interviewees expressed concern that the flag protest, and specifically the criminalisation of those arrested in relation to it, would further the marginalisation of a new generation. A female community worker from North Belfast similarly articulated regret at the effects of the criminalisation of young protesters (emphasis added):

we have a young generation of kids in prison because of the flag protest ... Now most of the ones that I have spoken to that were criminalised are saying to me, "The flag wasn't worth it. ... I was unemployed before, but even more unemployable now." These are people who'd have had careers in front of them, were ready to get married and have babies; *[they] have now thrown away their lives because of what happened in that spur of the moment.*

However to over-emphasise the alienation of young people is to risk giving the impression that they are becoming unwitting vessels for channelling disaffection from one era into another. We interviewed a number of young people (under the age of 25) and it is striking that all of them

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<sup>90</sup> Connolly, P, Kelly, B and Smith, A. (2009) 'Ethnic Habitus and Young Children: A case study of Northern Ireland', *European Early Childhood Education Research Journal*, vol 17 , no. 2, 217-232.

Leonard, M (2010) 'Parochial Geographies: Growing up in Divided Belfast', *Childhood*, vol.17, no.3, pp.329-342.

<sup>91</sup> The 'Lurgan Town Project' (<http://lurgantownproject.com/community-dialogue-tool/>, date accessed 1Dec14) run by the Institute for Conflict Research found (via 54 focus groups and over 1240 completed surveys) the main issues of concern to young people in the area to be segregation and 'fighting with the "other" community', as well as drug use. See also: McAlister, S, Haydon, D, and Scraton, P (2013) 'Violence in the lives of children and young people in 'post conflict' Northern Ireland', *Children, Youth and Environments*, vol. 23, no. 1, pp. 1-22; McAlister, S, Scraton, P, and Haydon, D (2014) 'Childhood in transition: growing up in 'post-conflict' Northern Ireland', *Children's Geographies*, vol. 12, no. 3, pp.297-311.

(regardless of whether they engaged in riotous behaviour or condemned it) saw themselves as being in some way empowered through their participation in the flag protests. Many saw themselves as upholding the principles of loyalism whilst being keen to draw a distinction between their experience and those encountered during the Troubles. One 19 year old sentenced to 8 months imprisonment described himself thus:

I would class myself as being *a young lad who is being prosecuted for his belief* – but I wouldn't classify myself as being a loyalist prisoner. Loyalist prisoners ...went out and defended, all their life, the name of their country, wasted all of their life in the name of their country. *[emphasis added]*

It is interesting to note that this young man viewed loyalist prisoners as having 'wasted all of their life' – implying that he saw his own generation as being more canny, inheriting the mantle of defenders of loyalist culture but determined not to end up in prison for a long time. An older interviewee closely associated with the Orange Order reported that the lack of experience and knowledge among young men regarding the Troubles served to heighten their passion for the cause whilst reducing their respect for unionist and loyalist leadership. He described the City Hall protests at which there were

a lot of young fellas with union jacks. And it struck me that they'd never lived through the Troubles – [they'd ask] "why's the IRA in government, why did you allow that to happen?" And that's where you got this phrase: "this generation will not fail Ulster".  
(Interview)

There is a certain bravado behind this phrase which is an indication of the type of masculine hubris that can also be considered to have contributed to the course of the flag protest.

### *The demonstration of masculinity*

The dynamics of street level mobilisation in Northern Ireland, as elsewhere, cannot be fully understood without considering the gender norms at play for the participants. A snapshot of those arrested in the flag protests indicates a predominance of young men aged 17-35 engaged in some of the most provocative and illegal elements of protest (as seen in the data on arrests, see Section 7.6). There are two aspects of the expression of masculinity vis-à-vis street level protests. First, there are the in-group dynamics of showing commitment and earning membership of a group. Within the group, this means that the needs of the individual are seen to be secondary to those of the collective. When in a situation of apparent conflict between the group's interest and those of another, the masculinity of the man becomes embroiled with the notion of 'honour'. One 19 year old male convicted for riotous behaviour describes this process in the circumstances that led to his arrest:

But to my mind I have never committed a criminal act. I was involved in a political act, an act of defending my area and my community when the PSNI failed to do their duty, which they have failed to do on several occasions. And I took it upon myself along with a number of friends, to defend the area. And I think we did it quite successfully.  
(Interview)

When authorities are perceived to be acting in contravention of the group's interest, norms of masculinity require that leadership is shown in defence of the group. This can be demonstrated through defiant disobedience of the demands of authority, or through a verbal or physical challenge to the embodiment of that authority, usually the police.<sup>92</sup> The out-workings of 'masculinist performance' can have violent expressions, from a drunken brawl to a paramilitary attack. Riotous scenes of anti-social behaviour by young men at contentious events are often associated with this type of masculinity. One middle-aged father from Newtownabbey noted that the attraction of recreational violence was present in the protests, but only as one of many motivations:

I think there's a bit of everybody out there. [The] 'No Surrender' [crowd], some are out just for the laugh, for the kick of getting into a riot. Some are out there because they want to know more about their culture, they want to be involved. I think it's a bit of everything. (*Interview*)

These different styles of male involvement in the protests – from unpredictable riots to stewarding marches – do not just reflect different expressions of loyalism but also different expressions of masculinity and conformity.<sup>93</sup> That said, other interviewees explicitly acknowledged the importance of other male responsibilities in the decisions taken by many young men not to participate in protests at all:

If you were... a young man with kids or caring responsibilities, and you love your flag and you love your country – ... and going, "I don't want to be lifted, I don't want to go to gaol, lose my job, I've two kids, I've one kid." All that there. But it hurts them because they can't be at [the protests]. (*Interview with male in his mid-twenties from North Belfast.*)

The expression of masculinity is also a consideration in relation to the role played by political leaders. It is notable that a number of male unionist politicians came under criticism for taking part in demonstrations and for being seen to tread the line somewhat riskily between law and disorder, namely by acting in what they saw as 'in defence' of their group and 'in defiance' of political and policing decisions. But the bravado of some of the highly masculine expressions of protest no longer meet with an entirely masculine demonstration of state power. The reality of a growing gender balance in political and civil power is reflected in the fact that three of the most publicised victims of the riots were female: the female PSNI sergeant who sustained a broken arm on the first night of the protest, the female police officer who had the petrol bomb lobbed into her car, and MP Naomi Long. The second of these was of course injured when protecting the latter's place of work. With this in mind, it is essential to acknowledge the important role played by women, particularly older women, in the protests too.

### *The role of women in the protests*

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<sup>92</sup> Messerschmidt, J W (1993) *Masculinities and Crime: Critique and Reconceptualization of Theory*. New York: Rowan & Littlefield Publishers.

<sup>93</sup> Walker, G (2006) *Disciplining Protest Masculinity, Men and Masculinities*, vol. 9, no. 1, pp.5-22.

Women were key players in the protest from the beginning.<sup>94</sup> Interviews conducted for this study enabled us to explore the role of women and to identify core issues in relation to gender that shed light on some other interesting aspects of the flag protest. Women played a vital role in collective identity creation and mobilisation during the flag protest, (and subsequently at the Twaddell camp). This is the latest in a long-term trend of social activism among loyalist women whose involvement widens and spreads the impact of the protest:

... whenever you get the women coming on to the street, the husband is not going to lie in the house if he knows what's good for him (laughs). ... whenever the women's on the street, the household's on the street. (*Interview with Willie Frazer*)

Following in this vein, another interviewee, a grandmother from Twaddell, describes the effects of the official response to the flag protest as "history repeating itself": "we have women sitting in the courts and they're watching to see what sentences are being handed out [to their male relatives] because at the end of the day the women are picking up the pieces here."

Yet, except for their visible presence on pickets or their portrayal on, or use of, social media women protesters had a disproportionately low public voice during the flag protests. Interviewees suggested that this was largely because of the treatment of women by the media (and social media) and because political and civic leadership is still predominated by men. Female interviewees expressed an awareness of sexism, even at the highest levels of political and media influence:

When you look at the Haass document, there's no gender balance within that document. At all. It's all male orientated. ...So how can they talk for a whole community? They can't. (*Female community worker interviewee from Shankill*)

Persistent gender inequality – and thus a failure in representation – in Northern Ireland has a starkly inhibiting effect on democratic and civic engagement for women of all ages.

### *Gender, age and protest tactics*

Finally, the presence of women affected the tactics used in the protests. Awareness of the type of dynamics around masculinities and the effects that these can have vis-à-vis the escalation of violence led to some strategising about the use of different groups of protesters in the 'repertoire of contention' drawn upon to 'perform' their mobilisation.<sup>95</sup> Such tactics would see women and children placed at the forefront of the protest, as one West Belfast community worker commented:

I live at the interface and I would have driven round the corner and all the men were standing on the footpath while they sent the women and the kids out onto the middle of the road. While the men sat on the wall watching...

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<sup>94</sup> This was also noted by INTERCOMM and Byrne, J (2013) *Flags and Protests: Exploring the views, perceptions and experiences of people directly and indirectly affected by the flag protests*. Belfast: INTERCOMM, <http://eprints.ulster.ac.uk/28386/1/Report.pdf> (date accessed 1Dec14).

<sup>95</sup> Tilly, C (2003) *The Politics of Collective Violence*. Cambridge University Press, p.45.

There are several considerations behind such tactics. Women articulate that gender and age significantly affect people's responses to provocative behaviour. A high visibility of women and children on the protests would not only reduce popular impression that they were choreographed by paramilitaries, it would also reduce the risk of a strong police reaction. A male interviewee with UVF affiliation commented:

They've been great, those women. Because if it hadn't have been for the women, if women weren't protesting and it was men out protesting, straight away, [it would be] 'Oh look at the UVF out blocking the road. The UVF this, the UVF that.'

One older female protestor described it slightly differently, emphasising the agency that she and other women had in the decision to come to the fore in the protests; they saw their role as diminishing the risk of violence from either the police or loyalist youths:

The younger men would be inclined to over-react. Or, if the PSNI came onto the scene, there'd be a reaction. We're quite happy to keep them away. We've had offers for the younger ones to come up but we've said, "No, we don't want you here." This is a peaceful protest that has to stay peaceful. We don't want the police coming up here.

However, as is the nature of social protests that rely on the disruption of public order – such tactics were vulnerable to other groups behaving unpredictably. One male interviewee with paramilitary connections described the situation in which a demonstration led to one of the worst riots of the flag protest, in south Belfast:

It was the women and children, and also some men too. The police came out with their dogs, they came out very heavy handed. I saw myself women being trailed off the road, children being trailed off the road. It was hard to believe, but it did happen and I think the media picked up on some of it too. ...as far as I can remember, it was a bit of a standoff between the PSNI and the community, and then after it, about an hour after their so called protesting, they walked away and that's when the teenagers came out of the area and they started rioting.

According to this interviewee's description, the riotous violence of the youths filled a vacuum that had been created by the PSNI management of the peaceful protest.

## 6.2 Emotive drivers: the effects of alienation

### *Passion in place of strategy?*

The following extract from an interview with a 19 year old protestor, convicted for riotous behaviour, is a useful reminder of what a positive and exhilarating experience the protest was for some. He describes the protest as a family and all-community affair, people brought together by their love of country who were prepared to set aside personal comfort and private time to share in the experience of collective action:

It was very inspiring. One of the things that stands out in my head is 50 people stood at the bottom of the Limestone Road in what must have been minus 5 degrees weather, in a snow blizzard with flags in their hand; women, children men, stood on the road defiantly that night just because they were so passionate about their flag and their country. Every night in rain, hail and snow... People were out, people were out every day because they felt so passionately.

The media coverage of the flag dispute tended to emphasise the passion and emotion behind the protests. A female protestor from Newtownabbey described the effects that people's emotional engagement with the 'cause' had on the protests:

It belonged to the people. It didn't belong to a political party. ...Everybody was thrown in a well and whoever threw the first rope down you grabbed at it: "Cos this could be our voice now, let's see". That's how desperate people were. You had to have been at the City Hall to see people in tears - the raw emotion of it all.

A male community worker from Dunmurry commented on the risks that emerged from the mobilisation of such emotion without a political strategy to accompany it:

there was very much a feeling of people's emotions and very little strategy thought about how you deal with people's lack of confidence maybe in the peace process, [their] lack of empowerment in the peace process or lack of faith within their own politicians.

Managing such a diverse grouping held together through an emotive reaction is an enormous task for both group leaders and also the police in terms of policy direction. One means of maintaining a sense of cohesion is through shared stories; the role of such stories in the flag protests is notable, not least because it arguably maintained the sense of outrage and injustice that could sustain an emotional pull towards active protest.

### *The role of stories and rumours*

The irony of the method of on-street protests to express distrust in state institutions is that police efforts to re-impose law and order *inevitably* frustrate the will of the protesters and, as such, confirm to them that their concerns are justified and well-placed. As is typically the case with social protest, these experiences then become stories that are shared with others and, through interpersonal networks and through social media, these stories can become mythologised, and thus have a significant effect on maintaining a group's sense of alienation and frustration. Thus, those stories that began as anecdotes can become seen by those within the group as encapsulating a wider problem or trend that they wish to counteract, and thus they are shared<sup>96</sup> – inevitably falling further from accuracy as they spread further from the source. Such truths, half-truths and myths serve as illustrations which bolster the impact of the discourses which 'frame' the movement in the first place, aiding the recruitment and solidarity of the protesters.

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<sup>96</sup> The role of rumour is vital here, and best understood as a collective effort to interpret an evocative and difficult situation (see Peterson, W A and Gist, N P (1951) 'Rumor and Public Opinion', American Journal of Sociology, vol. 57, no. 2, pp.159-167).

It is notable that such stories were present in interviews for this report conducted with a wide range of respondents, from paramilitaries to Protestant ministers, and they also circulated freely through the use of social media during the protests. Our research revealed a wide array of stories circulating among the protesters, but the majority of them centred on distrust of three main groups of protagonists: Sinn Féin, the PSNI and the judiciary (or, to be more precise, their sentencing of those convicted for actions around the flag protest). Such stories serve to reinforce the protesters' sense of insecurity and alienation from the institutions of power in post-Agreement Northern Ireland, and moreover, to heighten a sense that 'the tables have turned' for unionists. This apparent betrayal by the police service of the people "it is supposed to protect" is difficult to explain for the protesters – except if they come to see the officers as being under the undue influence of a corrupting force. As a young male from Rathcoole convicted of riotous behaviour at flag protests commented:

[The PSNI] were bombarded and influenced by Sinn Féin who were constantly onto them, saying: "You need to get this sorted... you're letting these people protest"... and that's when the police came down heavy handed and were beating people left right and centre. In doors, up hallways. And arresting people for minor things... Against people's rights. That's where it went wrong.

This explanation – in which the police service is manipulated by Sinn Féin to the point of violence against unionist protesters – arises from a discourse which presents Northern Ireland's institutions of law and order in as fundamentally corrupted by the Agreement and a subsequent rebalancing of power in favour of republicanism. This discourse is not new, of course – it was the same type of fear of undue influence on state institutions from sources which (according to this discourse) wish to see the undoing of those institutions (the Irish government, Sinn Féin, the EU) that drove far more unionists onto the streets in protest at the Sunningdale Agreement (in the form of the UWC Strike in 1974) and the Anglo-Irish Agreement (in 1985), and it was also present in the stand-off at Drumcree. What is different now, however, is that the post-St Andrews Agreement situation is that through rightful channels from the level of Policing and Community Safety Partnerships, to the Policing Board, to the Executive, Sinn Féin (like each political party) does and should have an influence on the PSNI. Objection to that is rejection of the Agreement itself.

## 6.3 Ideological drivers: arising from opposition to the Agreement

### *The perception of loss and threat*

It has been noted before that it has taken a unique political ideology to turn a clear 'victory' – a triple lock on the union,<sup>97</sup> a change to the Republic's constitutional claim, the signing up of Sinn Féin to 'partitionist' institutions – into abject insecurity. Loyalism has not been without its fair share of forward-looking and imaginative political strategists,<sup>98</sup> and the peace process owes a

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<sup>97</sup> Irish unification would require the Secretary of State to order a referendum in Northern Ireland, a majority vote in favour of unity in Northern Ireland, and a majority vote in the Republic in favour of the same.

<sup>98</sup> Novosel, T (2013) *Northern Ireland's Lost Opportunity: The frustrated promise of political Loyalism*. London: Pluto Press.



great deal to the progressive thinking, personal transformation and courage of numerous individual actors within loyalism.<sup>99</sup> However, the flag protest appeared to give voice to a narrative that portrayed a wholly negative discourse of loss and vulnerability.

While the flag was clearly a neuralgic point it was emphasised by all protestors interviewed that it was far from being the only concern. The most common metaphor was that it was “the straw that broke the camel’s back”. In media interviews and on social media the issues that recurred with most frequency, and were seen to form a pattern, were:

- The series of inquiries (most notably the Saville Inquiry) which put the security forces in the dock
- The fact that former IRA members were in government
- The erosion of Protestant/British culture
- The restrictions placed on Orange parades by the Parades Commission
- The belief that Catholics were privileged in the jobs market
- Educational underachievement of Protestants
- The increased visibility of Irish culture
- The perceived imbalance of the criminal justice system, and in particular the activities of the Historical Enquiries Team and the use of supergrass evidence to prosecute loyalists

The cumulative effect of these changes was often described through the word ‘loss’, that was often invoked in media discussions without any clear specification of what had in fact been lost. One obvious frame of reference might have been the loss of privilege that the Protestant community once experienced, but this suggestion was never put forward by unionist commentators, nor was it volunteered in our interviews with those from loyalist areas. Instead flag protestors expressed fear that a peace process in which unionists “gave” to nationalists would lead to unionist culture being trounced:

My thing is we’ve given them this bit and that. We’ve given them leeway but they’re not going to be happy with that leeway until they’ve got – and the dogs in the street know this – what they want is a Tricolour flying next to a Union Jack. (*Interview with 70-year old man, Belfast*)

Our culture is just being chipped and chipped away. The erosion is just unbelievable to our communities and our culture. (*Interview with grandmother, flag protestor and Twaddell Peace Camp protestor*)

Other interviewees express this sense of loss and risk more strongly – as active discrimination. These comments, from a man and a woman with fifty years’ age difference between them express this view:

In this society you are discriminated against if you’re Protestant. There’s no ifs or buts around it. It’s a fact. (*21 year old male protestor*)

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<sup>99</sup> Shirlow, P (2012) *The End of Ulster Loyalism*. Manchester University Press.

We feel we have no rights. Our rights are being stripped from us daily. (70 year old female protestor)

It is important to note, however, that this rhetoric of discrimination – although no doubt deeply felt – refers to processes that are not, in actual fact, acts of discrimination but acts of change. It is to be expected, as in any post-conflict process, that a transition would take place in the *rebalancing of power*. In that sense, protesters are right to perceive a shifting balance of power – and they may even conceive this as a ‘loss’. The act of lowering the Union flag was easily portrayed as just such a loss – and hence one interviewee described it as being like a death for which she went into mourning. They were not mourning the flag or even the state of the union (which is arguably a more pressing concern) but the way things used to be within Northern Ireland. What is missing, therefore, is the political leadership within unionism to assert that such rebalancing of power was not only expected but necessary – but also to reassure that this is not a ‘loss’ but a ‘righting’. Signing up to the 1998 Agreement and the St Andrews Agreement was an explicit commitment to a new dispensation in which power within Northern Ireland would be *shared*. To reassure flag protestors that the Union flag was not lost, however, would require vocal expressions of confidence in the peace process that have always been difficult for unionism to articulate.

### *Regret at the peace process*

The cause of this ‘threat’ is identified by many of the protesters interviewed as the peace process itself. This leads to a strange narrative in which the directness of the enemy engaged in active violence is implicitly preferred to one in which opposition comes in the ‘roundabout’ form of political negotiation:

[the IRA are] doing better now than they were and, if you look, we’ve lost so much. ...Anything with Ulster or Britishness they want to take off us. They’ve stated they’re going to do it and they’re doing it in a roundabout way. (Interview with middle aged man with links to the UDA)

A 19 year old interviewee from North Belfast was particularly vociferous in his regret at the compromise made by unionist politicians when he was a young child:

The Good Friday Agreement has not materialised. It has not brought the promises that it said it would. I obviously didn’t sign the Good Friday Agreement - I certainly wouldn’t have signed it. I certainly wouldn’t have recognised the Patten Reforms.

*Q. What age were you in 1998?*

I was 4.

*Q. So you have grown up in what everyone has told you is Peace. Would you see this as Peace time?*

Peace? I haven’t grown up in Peace. You can’t live in a peaceful society when your national territory is constantly under threat. When your identity is constantly under threat and when your life is subsequently under threat.

*Q. Do you see your British identity being eroded?*

It is being eroded and it's a callous attempt by Sinn Féin to sterilise Northern Ireland and to show the Republican movement and their grassroots support that there is no longer a British presence in the 6 counties.

Such a view, so strongly expressed in the flag protests, saw pro-Agreement unionist civic and political leaders scramble to find some justification for their actions. Instead of making a case for the Agreement, or of pointing to the benefits or rationale of power-sharing, many joined in a narrative of regret and loss, and an explicit lack of conviction in the difficult decisions already made. A senior figure in the Orange Order articulated this lack of conviction to us:

Nobody prepared the Unionist community at all. In fact the Unionist community was split at the time of the Good Friday Agreement. ... We then had St Andrews; when it came along Paisley didn't prepare anybody for it and everybody woke up one morning – "What's happened?!" We've been saying NO for so long and all of a sudden we're in bed together?!"... *those that were for it are now against it*, particularly paramilitary aligned parties are against it. The DUP's never really bought into it. I suspect that if you did a poll of their MLAs, the majority wouldn't be interested. (*emphasis added*)

The notion that unionists live in a state of constant loss and yet only occasionally – and when it's too late – having the shock of realisation as to what has been 'taken away' is particularly interesting because it ties in well with an explanation of the removal of the flag as being one more in a list of such critical moments of loss for loyalism.

It just wasn't the flag. Things were taken away from loyalists. ...things are being slowly lifted away and *people haven't even noticed it*, but when the flag went down it was the final nail on the head. When the flag went down people went, "Enough's enough here. Too much is being taken away here." (*Interview with middle aged man with links to the UVF*)

What is omitted in this telling of frustration is that significant sections of those from community backgrounds do not vote and have not been mobilised to do so by claims and assertions of alienation. As indicated previously in this report some from unionist backgrounds lampooned protestors, and others cautioned against excesses within the protests. Others who consider themselves as constitutional unionists may see change as equality-driven and therefore necessary. As with republicanism and nationalism there is no 'easy to read' script for unionism and loyalism as to how Northern Ireland has and/or should be changed. The flag protestors view the future they face as an ominous one: hence the need to resist.

## 6.4 Cultural drivers: a defensive celebration of culture

In this context, the taking down of the Union flag on City Hall is of immense symbolic significance. The posting on the An Phoblacht website of a video recording of the actual furling of the flag the day after the vote confirms the significance of the act for republicans and, by implication, makes it deeply troubling to unionist sentiment. Certainly the predominant discourse surrounding the event in the media was one which posited the protest in terms of

'ethnonational' zero sum conflict; a news story containing quotations from a protestor complaining "our whole culture, heritage and traditions are being stripped away from us bit by bit" complete with grainy images of teenage boys setting light to an Irish Tricolour in front of City Hall is a classic example of such media coverage.<sup>100</sup> Our interviews with protestors revealed more complex associations between the Union flag and loyalist identity. This detailed extract from an interview with a middle aged female protestor from the outskirts of north Belfast is an illustration of the way in which the (emotional) power and significance of the flag appeared to grow exponentially after its removal from City hall [emphasis added to text].

*I felt like I was in mourning. It felt like a death, but I couldn't understand why I had that feeling. So then I started attending all the protests at City Hall... I couldn't believe how angry I felt. And I felt robbed. And I always reflect back to people who lost their lives: Battle of the Somme, thousands of Ulsterman, 16th Irish, 36th, all sorts of different people, all walks of life fought under that flag. Nobody cared about Sinn Féin then. ... And I feel personally that *the only reason they took it down is because they can't deliver a United Ireland*. So they have to take everything else away so it looks as though they're getting their way with that. But they're not. People are prepared to fight. You saw people on the streets. People are going to gaol for it. And they're not just going to gaol for six months. They're going for 2 and 3 years. *I'm devastated!**

This particular extract highlights several elements in the cultural drivers behind protest for some protestors. First, the shared experience of participating in the protest – although the sentiment was distressing, the sense of empowerment through being part of a large group feeling the same way is significant. Second, the sense of personal loss at the lowering of the flag: "I felt robbed". But it is also notable that she says she could not understand why she felt that – again, the emotional effect of being part of a large crowd that was so angered and upset no doubt shaped the effects the experience had on her. Third, she makes a direct connection between the Union flag and a duty to respect the sacrifice of the martyrs of unionism, specifically the Ulster Division and British army soldiers in the Battle of the Somme in 1916. This is in part explained by the interviewee's personal sympathies for the PUP with its close associations to the UVF – one example of the importance of female support for paramilitary narratives and structures. Fourth, the 'other' referred to here ("they") as in the quotation above, is republicans/ Sinn Féin – the struggle is still within Northern Ireland. The interviewee describes this as a symbolic gesture on Sinn Féin's part – seeking to distract their own supporters from the futility of the notion of a united Ireland. In so doing, she expresses a certain amount of confidence in the union; it is the lack of confidence in the actions of Sinn Féin (or unionist politicians' ability to match them) that has caused her to protest – to show they "cannot get away with that". Finally, she notes the sacrifice made by the flag protesters sentenced for their actions. All these elements – community, loss, history, othering, threat – come together to constitute an interesting summary of cultural drivers as a cause of participation. According to this perspective, culture is seen as a 'thing', or an object, rather than as a way of acting and being. This narrow static view of culture goes largely unchallenged in unionism and there are

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<sup>100</sup> Belfast flag protests: Loyalists clash with police after rally, BBC news website 8 December 2012, <http://www.bbc.co.uk/news/uk-northern-ireland-20652968> (date accessed 1Dec14).

few attempts to articulate a broader and more rounded view of the cultural traits of Northern Ireland and Britishness.

### *Veneration of the flag*

There is also another element to the cultural aspects of the flag protest: the veneration of the flag itself. Within loyalism the attachment is not just to the Union flag. Flags that proclaim loyalty to paramilitary organisations can also have an emotional resonance. For example, a female protestor described how her 13-year old son, who had joined her on the protests, always had a love of loyalist flags:

on top of [his] Xmas wish list was the inevitable Play Station 4, and top of his list was 'Mammy, I want a UFF [Ulster Freedom Fighters] flag, the black one with the red hand and gold, right? And I was going 'Where does this come from?' ... eventually I did manage to track one down and he was, what, 13 at Xmas. And he opened the Play Station box and went 'Thanks Mum', and then he opened the flag and was ecstatic.  
(Interview)

One 25 year old interviewee, who described himself as a British nationalist, explained his loyalty to the cause of the flag thus:

Well a flag as such on a pole is to me more than just a flag. To me, if you want to think this is just to cause chaos about a bit of material, go ahead – but it's more to do with identity... of being proud to be part of Britain, part of the union, part of your culture, your identity. To me everything about here is British, *should be* British; everybody is British. [*emphasis added*]

The lack of acceptance of a fundamental principle of the Agreement is reflected in the interviewee's comment that "everybody is British". Again, there is an uneasy paradox here between the assertion of confidence in Northern Ireland's place in the United Kingdom and the sense of insecurity about the position of unionism within Northern Ireland.<sup>101</sup>

When asked about their own use of flags, most participants comment that, not only do they have a number (for example, one describes having three or four outside his home, including the Saltire), they have shown more veneration for the flag since the Council vote. Such veneration extends, in some cases, to referring to the flag with the pronoun 'she'.

When the flag goes up at the City Hall I will start to fly my flag again between the 1<sup>st</sup> of July and the end of August. But she's up and she'll be replaced – she's been replaced 3 times. (Interview with middle aged male protestor)

As would help to explain the very visible rise in veneration for the flag in the form of the proliferation of red white and blue bunting and flags in 2013 compared to other years, our

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<sup>101</sup> It is also possible that attitudes to the flag are influenced by other factors, extraneous to Northern Ireland politics. One development, which may have been invisible to republicans, is the sense of investment the unionist community has in British military activities overseas. Nine Northern Ireland soldiers were killed on duty with the British army in Afghanistan, and their sacrifice was mentioned many times by those we interviewed as reason for the flag to be respected, and indeed venerated.

research found that a number of people made their personal connection to the shared culture through the gesture of flying a flag outside their home in the wake of its removal from City Hall. This seems to reverse the longer-term trend whereby the number on flagpoles outside private houses decreased as the number of flags on arterial roads proliferated.<sup>102</sup>

## 6.5 Political drivers: arising from distrust of political institutions

### *Disorder in defence of order*

The flag protests re-enacted similar historical scenarios of critical junctures in loyalism.<sup>103</sup> Such demonstrations, it may be argued, cannot be understood without some recognition of the 'cultural' influence of a certain form of Protestantism in contributing to the mobilisation of individuals and their understanding of political contestation in Northern Ireland.<sup>104</sup> One characteristic of a version of 'cultural Protestantism', especially that linked to covenantism, is that individuals may feel they have not just a right but a *duty* to break away from the larger group on the grounds that they have superior insight and deeper conviction regarding a particular issue of debate (be it around an interpretation of scripture, style of leadership, morality, or political stance). Protestantism is a religious framework that cherishes the sanctity of the individual as a channel for divine will; it also upholds the freedom to dissent. A manifestation of this worldview is present in loyalist protest, even among atheists. The cultural norms of elements within Protestantism implicitly endorse and sanctify breakaway groups, even at the same time as it causes further fragmentation within it. This no doubt contributes to the fragmentation of unionism.

Throughout Northern Ireland's history, the covenanter tradition has challenged unionist leadership. In the past that challenge has been to liberal unionism, power-sharing unionism and compromise unionism. Again we locate the same perspective present in the flag protest: that even within the elect and within state institutions are those whose actions actually serve to undermine the legitimacy of the British state itself. Thus, many protesters on the street blocking and disrupting traffic, confronting the PSNI officer standing outside the Alliance Party offices or challenging the democratic vote of Belfast City Council did so believing it was for the cause of a greater good and higher definition of civic morality. Willie Frazer articulated this view clearly in his interview for this study:

We're actually trying to stand up for what the flag represents. We're actually trying to uphold the whole issue of law and order.

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<sup>102</sup> Bryan, D, Gillespie, G, Bell, J and Stevenson, C (2011) Public Displays of Flags and Emblems in Northern Ireland: Survey 2010. Belfast: Institute of Irish Studies, QUB.  
[http://www.ofmdfmi.gov.uk/flags\\_and\\_emblems\\_report\\_-\\_2010\\_survey.pdf](http://www.ofmdfmi.gov.uk/flags_and_emblems_report_-_2010_survey.pdf) (date accessed 1Dec14).

<sup>103</sup> Shirlow (2012).

<sup>104</sup> Shirlow, P and McGovern, M (1997) Who are 'the People'? Unionism, Protestantism and Loyalism in Northern Ireland. London: Pluto Press.

Mitchell, C (2006) Religion, Identity and Politics in Northern Ireland: Boundaries of Belonging and Belief. Aldershot: Ashgate.

This criticism of the power elite and a sense of responsibility to maintain the 'established order' is a familiar pattern in populist traditional discourses across contemporary Europe.<sup>105</sup> This narrative is present in many of the interviewees' descriptions of the flag protests:

the Protestant culture's been getting nipped at away for years. And nipped away at by our own political leaders because they're lining their own pockets. You know a lot of them don't really give a toss about the real people in the street because if they did they wouldn't be in the situation they're in at the moment. (*Interview with middle aged 'moderate' protestor*)

One female Protestant minister admitted that more could have been done by civic and political leaders to bring the various parts of loyalism together to address the growing crisis.

I already knew for some time about a crisis in loyalism... But the communication between us all wasn't very good. So there was that big top debate about what was going on. Meanwhile, on the ground, there were levels of dispute about local commanders: who was in charge, what they were about, where the community was going. And those two things together collided in a way that left people in a place where they were not sure where they were, nor how to get to somewhere better. And the protest allowed them to coalesce around something. (*Interview*)

The effects of this crisis of leadership is being acted out quite dramatically in some specific local arenas – for example in power struggles of quite different types in north Belfast and in east Belfast. Even among those protestors who would be inclined to labour-based or left-leaning identities there is a shared sense that the political elite is perfidious. That said, whilst the protest saw 'footloose' loyalists mobilise and unite in a common cause, it also witnessed lines of division within loyalism being drawn even more starkly: division between paramilitary groups, division within paramilitary groups in different areas, division within paramilitary groups in the same area, division between those who liaised with the police in the management of the protests and those who labelled them "traitors" for doing so.

### *Ideological differences within loyalism over the flag protest*

Although they were disparaged by many (particularly from within the established unionist political class), Willie Frazer and Jamie Bryson appeared to have, for a time at least, created some political momentum for the flag protests, and to have articulated the views of the disaffected loyalist. In his interview for this study Jamie Bryson explained why radical action had been thought necessary:

*Q. So is this basically about conciliation not working, about political structures....*

They're not working. I believe that young men are now going to resist this political process. The likes of me, we want to do it politically, we want to build a political voice to do that democratically. But if you force people into a corner, you don't give them

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<sup>105</sup> Hans-Georg, B and Immerfall, S (1998) *The New Politics of the Right: Neo-populist parties and movements in established democracies*. London: Macmillan.

resources, you don't give them the access to funding, to build that political process peacefully, then what other way are they going to do it?

A common theme in the narratives of the protesters, particularly but not exclusively among some of the younger men, was that of the betrayal, or at least active marginalisation, of working class loyalism by the mainstream political leadership of unionism. This analysis is, according to Jamie Bryson, what led him to refuse to participate in the Unionist Forum:

I refused to go into that point blank because I saw it straight away that what the DUP were trying to do was to get all the people round the table, get all the boys round that table, the organisations, and other people, and send them back out to put their foot on the neck of the people. It was essentially a power grab.

Bryson's interpretation is interesting: he assumes that the united voice of a unionist leadership would be directed against working class loyalists not against republicans/ nationalists. This indicates a deep distrust of the political elite and is in line not only with populist discourses but is also a version of an 'ourselves alone' discourses present in loyalism that have inspired determined, localised street level protests in the recent past, such as in Drumcree.

But, whilst acknowledging the problems in political representation for loyalism, some of those interviewed for this study criticised Bryson and Frazer for refusing to engage constructively with mainstream unionism, arguing that such a strategy only served to reduce their political clout and to further divide unionism. Furthermore, they argued, the flag protest itself could be seen as merely the latest in a line of attempts by unionist elite to manipulate loyalist sentiment. One male respondent from north Belfast with association with the UPRG gave a divergent analysis from Bryson's as to the intentions of the political leadership of unionism:

To me the identity issue... was to mask the lack of delivery on health, education, unemployment and all them things, because people were starting to question them, ... That started to scare politicians. That's when the identity card gets played because it masks everything else. Everything else then is buried way underneath that.

Of course, what is most notable here is that both views display a great deal of wariness, even cynicism, as to the strategies of the unionist elite vis-à-vis working class loyalism. Some significant distrust of the political leadership arose as part of their wider distrust of the institutions of power in post-Agreement Northern Ireland, none more so than the distrust of the police.

### *Criticism of the police response*

The effectiveness of social protest depends in large part on the state/police response to the protests. Indeed, the relationship between the police and the protesters is symbiotic: the tactics of the protesters and the police adapt and respond to one another. The relationship between police and protesters is of particular interest in this study, given the symbolic significance of the police service in Northern Ireland for the unionist population. In some ways the insidious effects of the flag dispute can be related to the fact that the protesters encountered a police response



that betrayed little sympathy for their cause and thus confirmed their fears for the position of unionism in post-Agreement Northern Ireland. What is worse for the protesters is that this apparently contrasted so greatly with what could have been assumed to have been the police reaction under a different regime, i.e. prior to police reform. Willie Frazer told us:

some of the men that were standing with us... had done 30 years in the RUC, ... and they said ... [a]s RUC men, they would have walked away. The problem is that we've a new police force ... the higher level of the police force are there for their wages. They're there for the job. They're not interested in the country.

Willie Frazer's explicit criticism of the PSNI here – imputing that PSNI officers are motivated by the salary rather than a commitment to the 'country' – serves to indicate a further and fundamental distrust in the institutions of post-Agreement Northern Ireland.

One woman from outside Belfast reflected on her experience at the 'frontline' of the protests:

It has made me very bitter about policing. I have actually approached policemen on the line and said to them, "I'm sorry boys, but how does it feel to have a 70 year old woman ashamed of the police force of her country? I was brought up to respect the police of my country and you boys have made me ashamed of the police force of my country."

Whilst her sentiments are passionate and expresses well the discombobulating effects of post-Agreement reform for a section of loyalists, her comments also indicate a continued familiarity with the police; she feels confident enough to speak to them face to face in the middle of their policing a protest and assumes that her words will prompt some reflection on their part – such an attitude would still be barely conceivable among most residents in republican communities.

## 6.6 Economic drivers: arising from relative deprivation

### *The social ramifications of unemployment and poor education*

One in four people living in Northern Ireland are in absolute poverty; adult poverty in 2013 was at its highest rate for ten years.<sup>106</sup> The Poverty and Social Exclusion Survey of 2012 found that, in terms of financial insecurity, 'more people are facing more problems today' than in 2002, leaving people less able to cope with unexpected events and more vulnerable to the wider consequences of low income.<sup>107</sup> Analysis of Census data would show that areas with a Catholic majority population are more likely to suffer from multiple deprivation than those with Protestant majorities (Shankill, Crumlin, Duncairn and Woodvale being the 'Protestant' majority wards to feature in the twenty least prosperous wards in Northern Ireland).<sup>108</sup> It is notable that all four of these are in Belfast. The impact of de-industrialisation in Belfast has had a particular

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<sup>106</sup> Belfast Telegraph, 30 August 2013, 'Adult Poverty at 10 year high'.

<sup>107</sup> Tomlinson, M, Kelly, G and Hillyard, P (2013) Northern Ireland: Faring badly. <http://www.poverty.ac.uk/pse-research/northern-ireland-faring-badly> (date accessed 1Dec14).

<sup>108</sup> Nolan, P (2013) The Northern Ireland Peace Monitoring Report: Number Two. Belfast: Community Relations Council (Joseph Rowntree Foundation), p.93, [http://www.ofmdfmi.gov.uk/flags\\_and\\_emblems\\_report\\_-\\_2010\\_survey.pdf](http://www.ofmdfmi.gov.uk/flags_and_emblems_report_-_2010_survey.pdf) (date accessed 1Dec14).

impact in working class areas of Belfast that relied heavily on jobs in manufacturing or heavy industry.<sup>109</sup> The changing nature of industry and employment (moving from a reliance on manufacturing to service industries, for example), can mean that unemployment for workers is often not a short term 'gap' but can easily become a longer term problem, as individuals struggle to match their experience to the requirements of the new job market. Unemployment rarely affects just one individual; dependents are of course directly disadvantaged as a result of job loss of a wage earner, and the risks of poverty, ill-health, social marginalisation are acute for them as a consequence. Unemployment is not a private affair and that it has significant implications for the wider family and community. The effects of poverty are particularly acute for the younger generation. About one in five 16-24 year olds in Northern Ireland fall under the category of 'NEET' (Not in Education, Employment or Training), and up to one third of these young people have no qualifications at all.<sup>110</sup> The term is used to indicate a group of young people who are apparently without a role in society – not fitting within the structures of socialisation and production in society, and also not contributing to it. This term shows, therefore, not merely a financial or social status of vulnerability, but also a certain marginalisation from normal circles of civic participation.

### *The impact of the class divide for loyalism*

There is significant evidence that relative deprivation is a mobilising factor for political action, especially when people's expectations about their material well-being significantly exceed their actual economic conditions for a period of time. The political mobilisation of individuals in such circumstances towards social protest can happen more forcefully when they perceive there to be significant disjuncture between their experience and that they had been promised by their political leadership. Of course the link between significant unionist non-voting is not raised. An interviewee from north Belfast expressed such mobilising sentiment clearly:

Nobody speaks for Loyalism at the moment. Peter Robinson speaks for the middle and upper class unionism which is a totally different kettle of fish. You can make all the legislation that you want up in Stormont but if you try to replicate this on the ground in working class loyalist areas, it's not going to wash.

Jamie Bryson described it somewhat more forcefully:

Whenever you're a working class guy, maybe in poverty, and your flag and your culture is all you feel you have and when that's taken away from you, then you're left with nothing. You could have middle class unionists who are doing very well out of the peace process, maybe wee business men making a lot of money and what they term as the side issues of flags doesn't really matter to them as long as they continue to prosper, so I think. And I was disgusted that some elements of loyalists actively worked against the

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<sup>109</sup> Gaffikin, F and Morrissey, M (1999) *The Urban Economy and Social Exclusion: The Case of Belfast*, in Gaffikin and Morrissey (eds) *City visions – Imagining place, enfranchising people*. London: Pluto, pp. 34-57.

<sup>110</sup> Nolan, P (2012) *The Northern Ireland Peace Monitoring Report: Number One*. Belfast: Community Relations Council (Joseph Rowntree Foundation), pp.96-8.

protests and they did that for their own aims and own objectives which was to keep the peace on board.

It is notable that Bryson disparages loyalist community level actors who held the objective of 'keeping the peace' over and above that of others. From his perspective, it is as if 'peace' is a middle class concern, substituted for the challenge of meeting the real needs of working class loyalists. It is interesting that in Section 4.2 we found survey evidence that the majority of respondents who self-described as Protestant supported the protests. We have also located anecdotal evidence that more privileged unionists expressed anger at the flag decision but as with other key loyalist events it is those from less affluent backgrounds who risk criminalisation or who appeared on the streets. Evidently unionist discontent can be palpable across social class boundaries but not in terms of physical presence. The flag protest in evoking the Carson era of mass unionist mobilisation is of a different hue, construction and scale.

The lack of political urgency for meeting real needs and addressing financial insecurity arises from the fact that unionist political representation is predominantly middle class – an age old problem in unionism. The consequences of this distance between working class experience and middle class politicians occur not just in the nothing-to-lose attitude of 'NEETS' at the interface; they also filter through to attitudes about the peace process itself. One male from Rathcoole, who, after initial enthusiastic engagement, became disenchanted by the flag protest, put it bluntly:

They talk about a shared future. I don't think the Protestant community is ready for a shared future. In [the First Minister's] world it may be ready because he doesn't know what it's like to live in a housing estate. He doesn't know what it's like to have £5 in his pocket 'til next week. ... They [politicians] are just so disengaged from community.

## 6.7 What distinguished the flag protests?

The triggers for social unrest reproduced across disadvantaged areas in the UK whether in GB or Northern Ireland are at times shared. The culture of loyalism is not as distinct from other the cultures of other social groups in the UK as is sometime imagined. The political articulation of the themes of 'resentment' and 'loss', key to the loyalist experience, are also experienced by white working-class males in England. There a sense of dislocation also found expression in attachment to a flag, the flag of St George. Social groups which experience decline in their own position can sometimes respond by 'claiming the nation' and that when they do they use the flag as an emblem, in the way that a section of under-privileged white males have used the English flag to assert a sub-state English nationalism.<sup>111</sup> Anger is a key ingredient in the politics of such groups, and this anger asserts itself as a wish to assert a proper Englishness at the same moment as they speak of 'not being allowed' to be English.

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<sup>111</sup> See, for example, Mann, R and Fenton, S 'English nationalism and Britishness: class and sub-state national identities' in Garbaye, R and Schnapper, P (2014) *The Politics of Ethnic Diversity in the British Isles* Basingstoke: Palgrave Macmillan.

But there are two fundamental differences between Northern Ireland and other regions of the UK in this regard. First, in other post-industrial cities, differences in social experience (quality of education, employment prospects, financial security, etc.) are brought to the fore as lines for social conflict and unrest; in Northern Ireland, such differences are downplayed as politically significant and the predominant lever for political mobilisation remains an ethno-cultural one. This relates to the second core difference: the expression of these pressures for social unrest rapidly becomes less like a political campaign than an exclusivist defence of culture. This is evident in the flag protests.

The flag issue was a unifying factor because it had symbolic resonance (with the narrative of loss and the shared identity of 'British') and because it had that all-important feature of a 'cause', i.e. the fact that it is targeted in opposition to a clear 'other' (in this case, Sinn Féin and the Alliance Party). It is notable that this unifying effect was more intense and lingered longer for those groups who see themselves as having the most to lose through the peace process (e.g. the protection of interface walls, parading rights on the Twelfth of July). This is reflected in the list of main points of agreement among the protesters themselves, all of which are 'negatives':

- that the typical routes of political representation and protest are inadequate and untrustworthy
- that the peace process poses a challenge to unionism (if not to the union).
- that some loyalists have a fractured relationship with policing and the criminal justice agencies which has arguably exacerbated by the (management of the) protests.
- that loyalism is in crisis because it has been failed by the political leadership within unionism. Within that, though, there are different interpretations of *how* the political leadership has failed grassroots loyalism (whether it be because they signed up to power-sharing or because they do not meet the real needs of working class communities).
- protestors were wary of mainstream political unionist elite's response to the dispute, but again for different reasons (e.g. a conspiracy to distract loyalists from economic problems or to distract them from political concessions).

The nature of these unifying forces among the protesters helps to explain why it is that, as the protests lingered on, what became increasingly apparent to onlookers was not the unified voice of loyalism/unionism but the intense divisions within it.

## 7. POLICING THE PROTESTS

### *The scale of the challenge*

The events that took place between December 2012 and March 2013 presented the PSNI with a significant challenge. The PSNI recorded approximately 2,980 ‘occurrences’ related to the flags dispute and these may include a crime (or multiple crimes), an incident (i.e. anti-social behaviour or suspicious behaviour) or a report of information. The number of people recorded in relation to these occurrences peaked in the week 17-23 December 2012, when almost 10,000 people, at different places across Northern Ireland, were recorded as being involved in protests and related incidents. Between 3 December 2012 and 17 March 2013, a total of 55,521 individual ‘acts of protest’ across Northern Ireland were recorded on the PSNI systems (please note that the same people may be recorded as being involved in more than one ‘act of protest’, i.e. the same individual attending numerous events/incidents). On one particular night in that period there were 84 different seats of protest. Some people participated in multiple protests, and our interviewees included those who had been on 60 -70 protests. It is also important to note that the flag protest was not the only challenge faced by the PSNI in this period. . There were preparations for the policing of the G8 summit in June 2014, and the hosting of the World Police and Fire Games in August 2014. In addition, in August 2013 three dissident republican groups announced they were merging to form a new organisation to be known simply as ‘the IRA’. On 1 November the new organisation claimed responsibility for the murder of prison officer David Black, shot on the motorway as he drove to work.

All of this was taking place against a backdrop of falling police numbers: in 2012 the total number of PSNI members was 7,086, down from a peak of 12,000. The 7,086 figure was almost exactly the 7,000 target set by the Patten Commission. The retraction in police membership was to reflect what was envisaged as the evolution of a society requiring civic and not conflict policing. The events that took place during the flag protest were not of the kind experienced, in such intense circumstances, by a civic police service. The total cost of the policing the protest from December 2012 to March 2013 was £21.9 million. This works out at £228,000 per day, or £1.6 million per week. These costs can be broken down into ‘additional’ costs, for non-normal expenditure, such as the use of water cannon, and ‘opportunity’ costs, denoted the cost of diverting duties. Most costs were incurred in the month of January 2013 when total costs went up to £8.5 million, and dropped to £1.8 million in March 2013.

| <b>Costs of policing the protest (£ million)</b> |               |              |               |                 |              |
|--|---------------|--------------|---------------|-----------------|--------------|
|  | <b>Dec 12</b> | <b>Jan13</b> | <b>Feb 13</b> | <b>March 13</b> | <b>Total</b> |
| Additional costs                                 | 3.95          | 4.66         | 2.48          | 1.05            | 12.15        |
| Opportunity costs                                | 3.17          | 3.83         | 1.99          | 0.76            | 9.76         |
| <b>Total</b>                                     | <b>7.12</b>   | <b>8.49</b>  | <b>4.48</b>   | <b>1.81</b>     | <b>21.90</b> |

Table 6. Costs of policing the protest.

Despite the almost nightly violence, no-one was killed. No member of the public, as far as we have been able to establish, was seriously injured. Police were routinely injured during the confrontations – estimates put the numbers of police injuries at over 160 – and there was one murder attempt when a petrol bomb was thrown into a police car outside Naomi Long’s office. Despite all of that, only one police officer sustained a lasting injury, the female police sergeant who sustained a fractured arm on the first night of the protest. None of this meant that the PSNI escaped criticism. On the contrary, it was heavily criticised by both nationalists and unionists - and, as might be expected, for different reasons.

## 7.1 Loyalist criticisms of policing

Several of the flag protestors who we interviewed were emphatic that the PSNI had been brutal in their handling of the protests, and the criminal justice system was biased against them. The sense of grievance was pronounced and, within the protestors’ own networks, such contentions were fact. There were some qualifications: it was accepted that in the early stages of the protest the police had facilitated the protests (the very thing that nationalist complained about), and some of our interviewees were at pains to single out particular officers for praise. The general grievances however can be sketched in by quoting some typical samples from the interviews with protestors:

I witnessed an old man getting trailed about by dogs - it was terrible. I actually got bit on the leg myself by a dog and the police had them on very, very, very long leads ... a local community policeman ... was trying his best and he was connecting with the crowd - and then these other guys came in with the shields... Inspector (name) was in charge that day, and he just pushed the riot squad in and was beating all round him. *(Protestor charged with riotous behaviour)*

There was a couple of incidents. It was ... we know they weren’t ordinary police. We knew they were TSG because you could hear it in their, when they were yelling at you, you could hear it in their English accents. *(Male protestor, north Belfast)*

That’s when it started to turn, after that Markets incident, and I started to believe that the police were deliberately setting up Protestants to have them shown in bad light or to have them beaten or attacked or whatever. ... Now in Sandy Row my son did witness a pensioner on crutches being beaten by the PSNI and he was would have been very frightened *(48-year old female protestor)*.

These views were amplified by spokespersons like Jamie Bryson who in early January tweeted the following message:

I totally condemn the actions and conduct of the PSNI in east Belfast tonight. They have absolutely been given the go ahead by their political masters to beat innocent people off the street. Perhaps the fact that a large number of officers are RC [Roman Catholic] provides some explanation of their bloodlust.

The attitudes set during the protest remained after it. Speaking in May 2013 at a rally of the Carrickfergus United Loyalists DUP councillor Ruth Patterson said:

[I am] ashamed of the PSNI at the minute. The political policing and persecution of our Protestant people must stop. They beat our women and our children off the streets, they throw our pensioners into jail. They jail our young kids for waving the Union flag of the country ... Gerry Kelly has him [PSNI Chief Constable] wrapped around his wee finger.

The hostility to the police extended as far as posters in shop windows saying that PSNI officers would not be served. We asked Debbie Watters, who works with the community restorative justice project AlternativesNI on the Shankill, about this:

*Q: Is it true that during the Flags Protest there were signs in shop windows on the Shankill saying 'PSNI not welcome'?*

A: That's right.

*Q: Is that true?*

A: Some shops still have them up. They haven't all been removed.

*Q: And would that [refusal of service] literally have happened if a PSNI officer went in to buy a bar of chocolate?*

A: Literally that would happen. Yes. *(Interview)*

In early 2013, the First Minister Peter Robinson claimed a large section of the unionist community did not believe the PSNI was being impartial. He also stated that there was a significant perception amongst the unionist communities that loyalist flag protesters are not being dealt with fairly in the courts, apparently receiving 'harsher treatment than republicans facing criminal proceedings'.<sup>112</sup> Other members of the political parties asked the then Chief Constable to provide evidence (including statistics) in relation to the policing of public order events, in order to dispel such concerns. Responding to such request, the then Chief Constable warned of the dangers in attempting to assess police response using statistical evidence, noting that, "statistics do not give an account of the situation, the operational dilemmas, the Article Two (of the European Convention on Human Rights) protection of life considerations and exactly what the dynamics are in that community." In January 2013, he informed Northern Ireland Affairs Committee how all policing operational decisions are based on Article 2 criteria:

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<sup>112</sup> Belfast Telegraph, 7 March 2013, 'Union flag policing costs top £20m'.

the decision making we follow always starts with the risks to life and serious injury. Then, if necessary, we follow up with a justice strategy after that. That is the model we apply. There is some mythology, for example, about differential policing.<sup>113</sup>

A central part of the loyalist contention is about inconsistency between one period and another. Those who blocked roads in the early stages of the protest were not arrested, and because of this they came to believe they had impunity – in the language of industrial relations, custom and practice seemed to have conferred some entitlement on those who wished to protest. When the police changed tactics at the end of January and began to make arrests it came as a shock to some. One Rathcoole protestor described the early days of the protest in which, he said, relations with the police had been very good:

The community police officers were there standing alongside of us while we were protesting. They were there or in their police car. They weren't in riot gear. They were standing beside us. 'Oh, it's a cold night'. 'Are you all sorted for Christmas? Just general chitchat and friendliness. And that was the way to do it

Then came what he described as the flicking of the switch:

Well, they flicked that switch on account of Sinn Féin and they came down hard. And all these riot police from Fermanagh, from South Tyrone, and at one stage from the mainland and they were just beating all round them. And the Police Ombudsman for Northern Ireland was bombarded with cases of police brutality. That was the anger. Rathcoole is now a no-go area for police. (*Interview*)

The rupture in relations between sections of the loyalist community and the police will take time to heal. The Rathcoole protestor quoted above told us that the PSNI was trying to 'buy back respect' by offering to fund programmes for community groups. In his view that approach will not work: "we're still not ready for that". Elsewhere, a young youth outreach worker with Northern Ireland Alternatives described a more successful attempt to re-build relations:

We've pushed very, very hard on building relations with the police and young people. We have a thing called Pizza and Peelers night – I've found it to be very, very, successful where young people just come in and police ... just come in in their normal clothes, so it was just to see them as normal people.

## 7.2 Nationalist criticisms of policing

The nationalist concerns about the blocking of roads was in fact one shared by various shades of opinion across Northern Ireland. The view that this was an illegal act which should not be

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<sup>113</sup> <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmniaf/uc877-i/uc87701.htm> (accessed 1Dec14).



tolerated was a widely-held opinion, but many nationalists/republicans felt an additional grievance. It was voiced by Gerry Kelly Sinn Féin MLA, on the first night of the protest, when he commented that the police would have been much more robust in their treatment of the protestors at the City Hall if it had been a gathering of 1,000 republicans. Comparisons were made with the way the PSNI had handled the sit-down protest by the Greater Ardoyne Residents Collective (GARC) when it attempted to block the Twelfth of July Orange Order march passing the Ardoyne shops in 2010. On that occasion the PSNI arrested and charged 29 of the protestors. GARC issued a press release in January 2013 drawing attention to what they saw as a discrepancy, and also pointing out that in December 2012, the month the flag protest began, PSNI officers had called at homes in Ardoyne issuing cautions for ‘illegally protesting’ on the occasion of an Apprentice Boys parade that took place on 1 December. The Chief Constable rejected the charges of differential policing, saying that Article 2 of the ECHR compelled him to act where life was at risk.

As the protest dragged on nationalist concerns were focused on two issues: the static protests on the road, and the attacks on Short Strand when the loyalist marchers passed on their way to and from the Saturday rally at the City Hall. With regard to the static protests there was a drip feed of stories in the nationalist press that resonated because of the way in which they matched with personal experience. For example, on 14 January the *Irish News* carried a story prompted by a tweet from Gaelic footballer, Chris Kerr. His father was terminally ill, but a doctor trying to visit was turned back twice and was unable to attend the sick man. Chris Kerr tweeted:

This flags bull\*\*\*t has got completely out of hand. It’s an absolute disgrace how far it’s going ... the cops need to catch themselves on and do something about it, instead of tiptoeing around them and watching them bring the place to a standstill and hold people to ransom.

While the static protests may have affected more people, the attacks on the Short Strand became the focus for concern about the ability of the PSNI to protect Catholics from attacks. This claim came to the forefront of political and legal discussions, when in February 2013, a resident (DB) from the Short Strand was granted leave to seek a judicial review over claims that police were allowing illegal marches every week from east Belfast to the City Hall in the city centre.

### 7.3 The legal challenge

As noted above, under the terms of the Public Processions (NI) Act 1998, notification of parades must be given to the Northern Ireland Parades Commission (s6, 1998 Act). The challenge brought against the PSNI (and the Secretary of State), argued that the PSNI failed to take steps to prevent such parades from taking place and the policing response had effectively facilitated and encouraged a ‘wholesale bypass of the legislative scheme’, set out in the 1998 Act. It was also submitted that, in failing to prevent the parades and subsequent disorder and attacks on the applicant’s home, the PSNI breached its duties under Section 32 of the Police (Northern

Ireland) Act 2000.<sup>114</sup> It was further submitted by DB, that he endured a number of attacks on his home (particularly after a parade on 12 January when there was significant violence directed towards the Short Strand) which was an interference with his privacy and family life entitlements under Article 8 of the European Convention of Human Rights and therefore in breach of section 6 of the Human Rights Act 1998.

The Judicial Review challenge was heard before the High Court in Belfast on the 28 April 2014.<sup>115</sup> As noted above, the grounds for the challenge were that parades (between the periods the 3 December 2012 to the 26 January 2013) were not notified to the PSNI (and onwards to the Parades Commission) and were therefore illegal, and those participating were guilty of criminal offences contrary to S6 [7] of the 1998 Act.

However, counsel for the police raised various limitations of the positive obligations imposed by Art 8 on the State, framing them within a context where operational choices must always be made in terms of priorities and resources in actual situations. Evidence was provided by senior officers of the PSNI who detailed the particular difficulties they faced. Superintendent McCrum detailed engagement with protesters and the Short Strand community on the 12 January 2013. This had required the use of over 30 Tactical Support Groups and the deployment of over 100 additional officers. On the evening of the 12<sup>th</sup>, police came under attack from ‘missiles, masonry, fireworks, golf balls and flag poles’ resulting in 29 officers injured and 1 person arrested. Beyond the evening of the 12 January, evidence provided by Assistant Chief Constable Will Kerr showed that between 3 December 2012 and 20 February 2013 a total of 149 police officers were injured. Furthermore, within this period the number of arrests was 195 with 146 charged to court (93 of these arrests occurred in B District, which includes the Short Strand area) [Para 66].

It was further explained to the Court that the main aim of the PSNI operational response to the flag-related protests, referred to as ‘Operation Dulcet’, was to ‘manage disorder by permitting the protestors to proceed into Belfast and back while maintaining the normal life of the city for as long as safely possible ... However a difficulty was absence of clear leadership or hierarchy among the protesting groups’ [Para 68].

The Assistant Chief Constable maintained that where parties engage in un-notified processions (in the absence of a Parades Commission determination or prohibition from the Secretary of State), the PSNI only has recourse to general public order policing powers, and that the police do not have powers under the 1998 Act to ban a procession or protest. It was also stated that in trying to strike a balance between the rights and interests of Short Strand residents with the rights of protestors to protest, consideration was given to the fact that ‘the protests were un-notified, the availability of resources, and the likely effect of operational decisions on public

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<sup>114</sup> S32 of the Police (NI) Act 2000 provides: “It shall be the general duty of police officers – (a) to protect life and property; (b) to preserve order; (c) to prevent the commission of offences; (d) where an offence has been committed, to take measures to bring the offender to justice.” S32 (5) also requires police officers “so far as practicable” to carry out their functions in co-operation with and with the aim of securing the support of, the local community.

<sup>115</sup> DB’s Application [2014] NIQB 55 (28 April 2014).

order’ [Para 67]. It was further noted that the policing decisions also took account these competing rights and the status of Arts 8 and 11.

The Court was presented with an article from the Irish News newspaper which reported an interview with the Assistant Chief Constable. The counsel for DB drew attention to an excerpt of the interview where ACC Kerr was reported as saying, ‘there is no such thing as an illegal parade under the Public Processions Act. We have no powers to stop a parade’ [Para 71]. However counsel for the police responded arguing that the ACC did *not* say that the police had no powers to stop parades but rather they had ‘no power to stop an illegal parade under *The Public Processions Act*, the offence is taking part in an un-notified parade’ [Para 73]. It went on:

we want to facilitate republican or loyalist peaceful and lawful protest. The difficulty is it has to be peaceful and lawful. Now the European Convention makes it very clear that there is a right to a peaceful assembly under Article 11 of the European Convention and the reason it gets slightly confusing sometimes is that the European Convention is explicitly clear the Police Service has a responsibility to facilitate peaceful protests even if it is technically unlawful and that’s where it takes us in to the space of confusing rights [Para 73].

Counsel for DB counter-argued that this demonstrated that the Assistant Chief Constable erroneously believed that police could only make a decision to stop a parade “based on a risk or a threat to life” [Para 83]. The PSNI legal defence did not accept this interpretation. They insisted that operational decisions had to balance the rights and interests of the residents of the Short Strand, the residents of Belfast and Northern Ireland generally, and those of the protestors. The initial decision was to intervene and prevent protestors from moving into Belfast City Centre but intelligence altered the balance of considerations wherein the PSNI concluded that the risk to life posed by the resultant disorder posed too great an Art 2 risk [para 94].

Delivering judgement, Mr Justice Treacy said it was evident that the Assistant Chief Constable was ‘labouring under a material misapprehension as to the proper scope of police powers and the legal context in which they were operating’. It was further concluded that ‘because police believed there was a gap in the law when the Parades Commission had not made a determination on a march, their ability to efficiently and effectively police these parades was hampered.’ Mr Justice Treacy stated that this was ‘simply wrong’ and considered that ‘it was this misdirection which explains and led to the situation in which the police facilitated illegal and sometimes violent parades’. He said that the Assistant Chief Constable Will Kerr did not appear to have fully appreciated that an un-notified parade had the same status as one which takes place in defiance of a Parades Commission determination and added:

I accept the applicant's submission that in the period following December 8, 2012 until in or about the start of January 2013, ACC Kerr did not address himself to the question of whether to stop the weekly parade, nor did the police behave proactively, or at all, in relation to prosecuting those organising and participating in the parades.

The judge highlighted that no explanation was given for why, having facilitated some form of protest at City Hall, protesters were permitted to march back via the Short Strand when the return leg was associated with serious public disorder. Granting the judicial review against the PSNI, the judge presented his conclusions in extremely forthright language. As well as saying that the PSNI had 'misdirected themselves', and that their understanding of the legislation was 'simply wrong' he used the phrase 'unjustified enforcement inertia' to characterise the police operation in this period.

Not surprisingly, the judgement received a mixed response. Member of political parties including the Sinn Féin MLA Pat Sheehan, welcomed the ruling stating 'the PSNI clearly failed to protect the residents of Short Strand over countless illegal marches by flag protesters past the area.' It was also welcomed by the Police Federation who hoped the decision would 'remove doubt and ambiguity' over what the law permits. Stating that there is a 'need to clear up any misunderstanding of the tolerances and scope that exist to deploy personnel, restrict and quell unlawful gatherings and deal with serious street disorder.'<sup>116</sup>

Responding to the judgement, the then Chief Constable Matt Baggott expressed his concern that it 'may constrain our operational flexibility in the future. It does not appear to me to take full account of the sheer scale of the protests, the intensity of the disorder, and also the very real potential for escalation across all of Northern Ireland.' For these reasons, he said, the PSNI felt it essential to appeal the judgement.<sup>117</sup>

### *Appealing the judgement*

An Appeal Hearing took place in early June 2014. It was argued by senior counsel for the PSNI that the High Court judge Mr Justice Treacy's findings in the original review were both flawed and unfair. It was contended that even if decisions were taken to gather evidence rather than intervene and arrest, the police had adopted a 'pro-active, pro-charge' attitude. Counsel for the PSNI stated that the judge had not understood the operational approach of senior officers grappling with resource issues and trying to ensure no escalation in violence. In particular, it was highlighted to the Court that intelligence that paramilitary groups had become involved had led to a change in operational strategies insofar 'the character of the protests has changed from general community disquiet about flags to something much more sinister', with a real possibility of serious risk to life.

At the heart of the PSNI case was the contention that the police have an area of discretionary judgment in the realm of operational decisions concerned with public order. It was further argued that evidence demonstrated that the police *did* consider whether the weekly parade should be stopped and that the police were consistently analysing how to respond to the difficult public order situation. Further key issues were challenged at appeal stage relating to the understanding of the legality of the parades and role of both the police and the Parades Commission. It was submitted that the trial judge relied on an incomplete portion of an article in

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<sup>116</sup> Belfast Telegraph, 29 April 2014, 'Softly-softly flag row policing was all wrong'.

<sup>117</sup> The Irish News, 29 April 2014, 'Flag protest policing - Baggott defends 'responsible' approach and vows to appeal'.

the Irish News and misunderstood the nature of the legal advice that was being sought by the Assistant Chief Constable in regards to the powers of the Parades Commission and un-notified parades. Furthermore, none of this material justified the conclusion that Assistant Chief Constable had misdirected himself.

Ruling on the appeal on 1 July 2014, a panel of three judges (Lord Chief Justice Sir Declan Morgan, Lord Justice Girvan and Mr Justice Weir) supported the PSNI case.<sup>118</sup> They ruled that the decision to manage disruption and pursue a subsequent criminal justice charging policy was well within the area of discretionary policing judgment. The Lord Chief Justice he considered that the police were uniquely placed through their experience and intelligence to make a judgement on the wisest course to take in all the circumstances. He added that the obligation in Section 32 of the 2000 Act to prevent crime, did not impose a requirement to intervene on every occasion when an offence was in the course of commission and police were best placed to use discretionary judgment as to how they should respond.

The Court of Appeal did not consider that the Irish News article supported the view that ACC Kerr felt inhibited by the 1998 Act from properly policing these protests and parades. Having read the full transcript of the interview the Court said it provided an important context to the comments made by the Assistant Chief Constable. The Court noted that:

the context of that interview was important in understanding the article that was published arising from it. We were also taken through the Criminal Justice Strategy documents and revisions, the strategy associated with Operation Dulcet and the decisions made within the Events Policy Book in the kind of detail which was not opened to the learned trial judge [Para 52].

The Court pointed out how management of un-notified processions had been left outside the competence of the Parades Commission, with police dealing with them using public order powers rather than through a tailored legislative scheme stating that they did ‘not consider that there is anything in the management of the issues arising from these parades by police to suggest that the 1998 Act or Section 32 of the 2000 Act were undermined’.

Allowing the appeal, the Court stated that ‘this was a difficult situation in which proportionate steps were taken to protect the Article 8 rights of the applicant and the other residents of the Short Strand’. The judgement referred to ‘the enormous difficulties for those policing modern societies in circumstances of community conflict and heightened tension’, and concluded:

We consider that the decision to manage disruption and pursue a subsequent criminal justice charging policy was well within the area of discretionary policing judgement which such situations require in light of the challenges posed by the circumstances.

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<sup>118</sup> DB’s Application [2014] NICA 56.

This was a very welcome outcome for the PSNI,<sup>119</sup> but the new Chief Constable George Hamilton observed that, 'elements of the original High Court judgement may have impacted on our ability to police parades and protest activity in a way which is fully compliant with the Human Rights Act and policing with the community philosophy.'<sup>120</sup>

## 7.4 Monitoring the Police: the views of the independent bodies

The PSNI's handling of the flag protest was monitored by three independent bodies: the Office of the Police Ombudsman (OPONI), the Criminal Justice Inspectorate and the Northern Ireland Policing Board. They responded in the following ways.

### *The Police Ombudsman*

The Police Ombudsman set up a special team in December 2012 to work exclusively on complaints/referrals arising from public order associated with the flag protest. The team, which consisted of a Senior Investigating Officer, a Deputy Senior Investigator, five Investigators and administrative support, continued their investigations until August 2014. According to material supplied to the authors by OPONI, a total of 143 cases were investigated. Of this total, 131 came from members of the public, 10 were referred by the Chief Constable and 2 were initiated by OPONI. All cases investigated by OPONI are broken down into a fixed set of categories, and the 143 cases arising from the flag protest were broken down as follows:

- 129 Oppressive Behaviour allegation
- 33 Failure in Duty allegations
- 31 Incivility allegations
- 37 Other Allegations

Complainants are given the option of identifying their religious allegiances and voting preferences. A total of 24 provided details of their religious affiliation, and these broke down as follows: 3 were Catholic, 16 belonged to Protestant denominations, and 5 declared No Religion. Only 20 completed the section on voting preferences, and of these 10 are registered either 'no political party' or 'did not wish to answer'. Five identified with the UUP, 3 with the DUP, 1 with Alliance and one with Community Partnership NI. The vast majority of complaints, 110, came from the Belfast area. By October 2014, of the 143 cases 133 were closed. In cases where actions were taken the results were as follows:

- 14 were closed as Substantiated No Further Action
- 2 were closed with a recommendation that a police officer receive advice and guidance.
- 2 were closed with a recommendation that a police officer receive a Superintendent's Written Warning.

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<sup>119</sup> Following the verdict lawyers for DB indicated they will now take their case to the Supreme Court in London. News Letter, 1 July 2014, 'PSNI wins Union Flag protest appeal'.

<sup>120</sup> BBC News, 3 July 2014, 'Chief Constable George Hamilton: Twelfth violence "not inevitable"' (date accessed 1Dec 2014)

- 2 were closed with policy recommendations being made to the PSNI.
- In one case informal resolution was accepted.

The Public Prosecution Service did not pursue any criminal charges against any police officer. The main complaints that were upheld involved the use of Land Rovers in crowd situations, the need for officers to display the correct identification insignia on their helmets, and the need to avoid 'inappropriate and derogatory language'.

To put these in context, during the 2012/13 year OPONI made a total of 308 recommendations to the Chief Constable relating to police officers' conduct, of which 158 were for advice and guidance, 74 for a Superintendent's written warning, 68 for management discussion and 9 for formal disciplinary proceedings. In other words, after a special team had spent 8 months investigating it, the Police Ombudsman found that the four months of the flag protest did not contribute in any disproportionate way to the total of substantiated complaints against the police.

### *The Policing Board*

The PSNI's handling of the flag protest was discussed at the March 2013 meeting of the Policing Board. Because of the various concerns that had been expressed the Board facilitated a series of community engagements in order to assess the damage done to confidence in policing. It was reported that there were particular concerns around the negative effect of the Tactical Support Groups on community policing, and also on the relations between police and young people. The message from the Police Community Safety Partnerships (PCSPs) was that they would like to see more consideration given to diversionary measures and fewer young people going through the courts.

The Policing Board also calls upon the services of a Human rights Advisor who is responsible for monitoring the performance of the police in complying with the Human Rights Act 1998. Over time the Advisors have developed a monitoring framework for human rights, and annual reports and thematic reviews are both key to that iterative process. The 2013 Annual Report takes account of the flag protest but does not devote a special section of the 174-page report to it. The report does say that public order concerns led to more frequent meetings between the Policing Board and the PSNI during 2013, and the Policing Board was briefed in July 2013, September 2013 and October 2013. It is not the function of the Policing Board to direct the operational activity of the police, but it can hold the Chief Constable to account for its performance. One concern each year is the use of force and the Annual Report provides statistics on the use of batons, water cannon and Attenuating Energy Projectiles (AEPs).

The statistics show that the flag protest tended to be overshadowed by the events that followed – the three days of riots that followed the Twelfth July parades and a full scale riot in Royal Avenue in August 2013. For example, a total of 51 AEPs were used between April 2012 and September 2013, but the flag protest only accounts for 17 of these. The Human Rights Adviser

has no specific criticism of the PSNI for its handling of the dispute, and much of the report is given over to rehearsing the legislation surrounding parades and public processions, something the Advisor thought important because of the 'misinformation' that had been circulating about what the police can and can't do.

### *The Criminal Justice Inspection Northern Ireland (CJINI)*

CJINI published a report in the wake of the flag protest called *Criminal Justice System's Preparedness for Exceptional or Prolonged Public Disorder*. The report was published in June 2013, and was intended to help contribute to the management of public order in extreme situations such as the riots that took place in England in 2011. The prolonged flag protest was treated as being a case in point. While suggesting ways in which the police performance could have been improved, 'the broader conclusions of the Inspectors were positive'. The review goes on to say:

it was apparent that the operational and tactical handling of public order matters was broadly highly regarded. Most notably is the fact that during recent disturbances there were, in fact, no serious injuries and relatively minor damage. While there were some disturbing scenes and conspicuous frustrations, the PSNI managed overall to contain the situation and are significantly engaged in bringing offenders to justice. This was against a backdrop where other policing demands continued to be met and in no small part due to the strategic decisions to enhance capacity.

The caveats were as follows: firstly police actions were largely reactive, and 'the early comprehension of events, their management and therefore the timing and consistency of messaging in such critical incidents, could be improved.' The main concern though was not with police performance but with the failure of the criminal justice process to respond to emergency events. During the English riots the magistrates' courts ran all-night sittings, but in Northern Ireland the criminal justice agencies tended to a 'business as usual' attitude. The report suggested that 'There was a very clear message arising from this review which has resonance across all areas of the criminal justice system. This was that there is a strong need both for the public and for offenders to see consequences much more quickly.'

The NI Justice Minister has made 'speeding up our justice system a priority'. The Department of Justice launched a review on the speed of criminal proceedings in December 2013 (specifically looking at youth courts). Recommendations on statutory time limits (STLs) have been made in a number of independent reports, including the Owers report into the Prison Service; the review of the youth justice system and CJINI's 2012 report into delay in the system. Notwithstanding ongoing consultations of the review the system more generally, during the period of unrest resulting from the flags dispute, no mechanisms were out in place to respond more readily and efficiently to the significantly higher number of cases coming before the police and the courts.

As noted this was not an approach taken in England during the protests in 2011. The 2011 riots in England began on 6 August after the fatal shooting of Mark Duggan in Tottenham, by police officers. Mass outbreaks of disorder occurred across the country which resulted in 5,175



offences recorded by the police and almost 4,000 people arrested by early September. The speed at which the justice system responded to these events was unparalleled. By 12 October 1,984 suspects had faced prosecution with 686 found guilty and 71 acquitted/dismissed. 551 sentences had been handed out and an immediate custodial sentence was given in 331 cases. Whether such a 'speedy' response was the best approach in regards to efficiency *and* fairness, the response of 'business as usual' to the flag dispute in Northern Ireland, which started in December 2012, has resulted in many cases still trying to find their way through the system.

## 7. 5 Overall assessment of the policing response

The narrative of the PSNI handling of the flag dispute is one that begins badly but ends well. Many of the problems that developed only managed to develop because of a lack of preparation for an unforeseen event. It may seem unfair to criticise the police for not predicting a level of social disorder that no-one had managed to predict, but it is the job of the police to gather intelligence and to use it for preventative purposes. Or, as the CJI put it in its report,

in some respects, the predictability of future unpredictability is apparent and consequently planning must embrace this and criminal justice organisations must therefore be prepared and equipped to respond.

In the case of the flag dispute the warning signs should have been obvious. In June 2011 between 60 and 100 men dressed in black and wearing latex gloves assembled in Castlereagh Street and then made an incursion into the nearby Short Strand. The police were caught unawares on that occasion, despite the fact that the writing was literally on the wall – from November 2011 UVF murals and slogans had appeared in east Belfast asserting a new militancy. In December 2011 a loyalist crowd gathered at the back of the City Hall and police had to fight them keep them back from attacking Sinn Féin councillors (on that occasion the row had been precipitated by a perceived snub by the Sinn Féin Lord Mayor, Niall Ó Donnghaile, who had declined to present an award to an army cadet).

The drumbeat of these, and related development had been increasing in volume and should have alerted the police to the possibility of real trouble when the vote was scheduled for 3 December at Belfast City Hall. We put this point to Assistant Chief Constable Will Kerr, who conceded that not only had there been an operational failing on the night, but a deeper problem that developed unseen in the PSNI's relationship with loyalism:

and you take all those things in the round, and you say with the benefit of hindsight, 'But surely to goodness somebody should have known that the flag was the last straw?' But you know something - we didn't. We have a better sense now, but let me give you another reason for that, and this is where I think it needs a bit of honesty from policing. If you take the period from 2007 onwards, Sinn Féin signed up for a formal engagement with policing for the first time ... and we rightly invested an awful lot of time and effort in that relationship and that was the right thing to do. I think if we were being entirely

honest, for that couple of years from 2008 to 2010, I think there was a sense of growing disengagement between policing and working class loyalism. *(Interview)*

The flag protestors we interviewed felt that the gap between them and the PSNI has widened still further, and they explain that with reference to the policing of the protest.<sup>121</sup> The belief that they were subjected to harsh, and indeed brutal, treatment is a belief that is sincerely held. The police point out that at every confrontation with protestors phone cameras were trained on them by protestors seeking a YouTube clip that could go viral – nothing of this kind appeared, say the PSNI, because the brutality they talk about never happened.

It is not possible for us to make an adjudication on this, but we have spoken with the investigators at Police Ombudsman's office. They have viewed all relevant YouTube footage and not found anything of the kind that has been alleged – though they do draw attention to some lapses. They have also investigated all the complaints brought to their attention, and made suggestions where they think lessons can be learnt. While four months of physical confrontations will strain the discipline of any police force, the flag protest saw the PSNI display resilience and forbearance.

The PSNI also draw attention to the fact that at the time they were reduced in size overall by 38 per cent from their numbers in 2000, and these personnel reductions happened in some critical areas - for example, there were 861 officers in the Tactical Support Groups (TSGs) in 2000 compared to 466 in 2012. The geographical spread of the protest – 84 different locations at its peak - was a huge operational challenge, and it had its human cost. On 5 January the chairman of the Police Federation, Terry Spence said:

We have called again for immediate recruitment. Our people are fatigued and burnt out. They are working around the clock and we don't have resources to cover the gaps that develop. The geographical spread is stretching us beyond belief.

How do those officers now look back on the experience of policing the protest? Detective Superintendent Sean Wright who headed up Operation Dulcet told us:

I think the flag protest was maybe the most significant test of a police force outside of a terrorist challenge ... it was sustained, there were multiple seats of disorder requiring complex coordination, the movement of resources in a timely manner – and to do all that, and to maintain discipline, and to maintain restraint, and to maintain even the officers' welfare, and at the same time to run the biggest public order investigation ever undertaken by the PSNI, or the RUC – it was a massive, a massive team effort.

*Q: And do your officers now look back and feel they did a good job?*

Well, I certainly believe so. I have spoken with officers from the uniformed and investigative sides and they have said 'I will finish my career and look back at the flag protest and think - we did a good job. *(Interview)*

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<sup>121</sup> It is important to acknowledge, however, that the relationship between loyalism and the police was at a severe straining point even prior to the Patten reforms, specifically as a result of tensions around Drumcree between 1995-2000. At that point, hundreds of individual police officers were made to feel the effects of community disapproval of police management of the contested cultural event.

## 7.6 Criminal justice

If there is sufficient evidence against a defendant and none of the out of court disposals is appropriate, the police will formally charge the suspect. When the PSNI complete their investigation, they send a file to the Public Prosecution Service (PPS) who then must decide whether there is sufficient evidence to bring a defendant before the courts.<sup>122</sup>

Between December 2012 and April 2013, a total of 411 people were processed by the police as a result of Operation Dulcet. In some cases there was more than one offence per process, with a total of 731 offences processed. The table below shows the number of cases processed by the PSNI.<sup>123</sup> By July 2014, the majority (74 per cent) of individuals processed by the PSNI were later convicted. A total of 34 had been dismissed/ acquitted or withdrawn. Of the 411 individuals processed 34 (8.2 per cent) were either dismissed, acquitted or the case was withdrawn. 9 (2 per cent) received a discretionary disposal<sup>124</sup> and in 20 (5 per cent) of the cases there was no further police action.<sup>125</sup>

| Outcome  | Number     |
|--|------------|
| Convicted  | 306        |
| Dismissed/ Acquitted/ Withdrawn                            | 34         |
| PPS direct Non Prosecution - PSNI filed for Prosecution    | 16         |
| PPS direct Non Prosecution - PSNI filed for No Prosecution | 16         |
| Defendant deceased prior to court                          | 1          |
| Discretionary disposal                                     | 9          |
| NFPA (No Further Police Action)                            | 20         |
| Ongoing  | 9          |
| <b>TOTAL</b>   | <b>411</b> |

Table 7. Outcomes of flag protests arrests.

### Beyond Dulcet – the response of the courts

The following section provides an analysis of the most recent information available on files received by the PPS for offences related to the Flags Protest from December 2012 – November 2014. This analysis will set out in detail the profile of the defendants by age, gender, primary offence and the final outcome of cases for those convicted and sentenced. Information is provided on those individuals brought before the courts; their initial outcomes and sentencing,

<sup>122</sup> Prosecutions are initiated where the prosecutor is satisfied that the Test for Prosecution is met. There are two aspects to the Test: a) Whether the evidence which can be offered in court is sufficient to provide a reasonable prospect of conviction (the evidential test); and b) Whether prosecution is required in the public interest (the public interest test). Each of these stages must be separately considered but a decision whether or not a prosecution is in the public interest can only arise when the evidential test has been satisfied.

<sup>123</sup> Process Occasions include arrested, charged, reported, discretionary disposal or no further police action.

<sup>124</sup> A discretionary disposal can be considered by a police officer for crimes that are comparatively minor by virtue of impact and/or seriousness and where the victim and offender agree on a suitable form of reparation such as an apology. Such a disposal provides a prompt means of disposing of a crime that is victim led and does not involve the formality of other disposal methods.

<sup>125</sup> These outcome methods comprise those where the offence is counted as cleared up but no further action was taken.

based on data available on 21 November 2014. This will not be the definitive list: there are still new cases being brought before the courts for events related to the flags dispute. It is possible that there may be differences in characteristics or age profiles, offences etc. of those brought before the courts later compared to those who have appeared so far.

The latest available figures demonstrate that a total of 362 files have now been submitted from PSNI to Public Prosecution Service. Of the 362 defendants 308 (85 per cent) were male and 54 (15 per cent) were female. When considering the same data by age and gender we find that the largest share of defendants fell within the ages 18-24 (25 per cent), of which 88 (98 per cent) were male and 2 were female. Interestingly the share of women increases in the older age groups notably among those aged over 45. It is worth noting that 74, or one in five, was aged 17 or under.

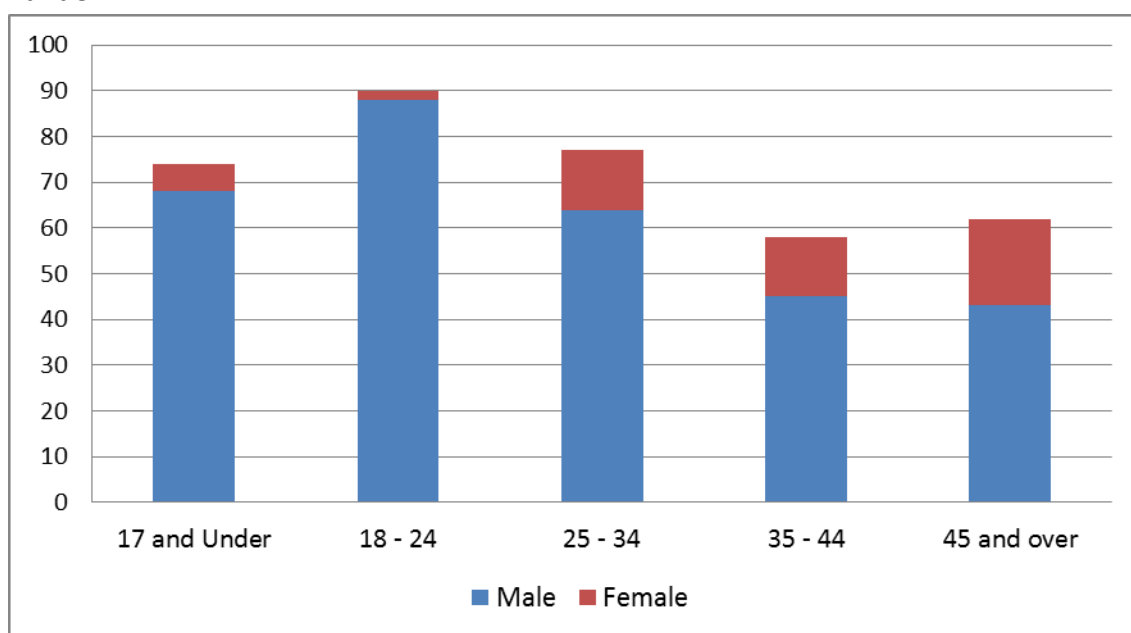


Figure 3. Flag protests and related incidents: age and gender.

Of the 362 cases brought before the Courts, there have been 40 (11 per cent) indictable prosecutions,<sup>126</sup> 257 (71 per cent) summary prosecutions,<sup>127</sup> 31 (8.5 per cent) received diversionary disposals,<sup>128</sup> and in 34 (9.3 per cent) cases there was no prosecution.<sup>129</sup> The highest number of indictable prosecutions were handed down to men aged 18 to 24 (57.5 per cent), with the highest number of summary prosecutions handed down to men aged 25-34 (22.1 per cent).

<sup>126</sup> Indictable prosecution applies in the more serious offences which may be heard in the Crown Court.

<sup>127</sup> Summary prosecution applies to cases (which involve less serious criminal behaviour) which may be heard in the Magistrates' Courts.

<sup>128</sup> Diversionary disposals may include: 1. *Informed Warning* (the charge is read to the offender and he is warned about his future behaviour. An Informed Warning is a formal reprimand by Police, and although not a conviction, is recorded on a person's criminal record for a period of 12 months); 2. *Cautioned*: The offender has been cautioned by the police. A caution may be administered after PPS direction or consultation with PPS when an offender admits guilt, where there is sufficient evidence for a realistic prospect of conviction and where the offender consents to the caution being issued; 3. *Youth Conferencing* (youth offenders only): Where the defendant is a youth, PPS may consider a diversionary youth conference as an alternative to prosecution in court, when an offender admits guilt and agrees to participate in this diversionary option.

<sup>129</sup> A decision for no prosecution will be taken if the prosecutor decides that in any case being considered there is insufficient evidence or that it is not in the public interest to prosecute.

The chart below (Table 8) outlines in detail the type of offences charged and indicates that rioting made up the highest proportion of offences, with 82 persons (22.6 per cent) out of 362 charged with riot. This was followed by obstructing traffic in a public place with 48 (13.2 per cent) individuals charged. Disorderly behaviour was cited in 35 (9.6 per cent) cases. Taking part in an un-notified public procession was the primary offence for 32 (8.8 per cent) individuals brought before the courts and 24 (6.6 per cent) were charged with obstruction of the road. A mere 9 (2.4 per cent) were charged with taking part in an unlawful public procession while three times as many (7.7 per cent) were charged and brought before the courts for assault on police. A small share (4.4 per cent), were charged with riotous behaviour with an even smaller share (2.3 per cent), charged with possessing an offensive weapon or possessing a firearm in suspicious circumstances. In the cases of those charged with riot, 33 received an indictable prosecution and 30 received a summary prosecution. In 10 cases of rioting there was no prosecution. Of the 32 charged with taking part in an un-notified procession, 31 received a summary prosecution and 1 received diversion. Among the 9 charged with taking part in an unlawful public procession, 7 received a summary prosecution, 1 diversion and in one case, there was no prosecution.

| Most Serious Decision Type  | Outcome                |                     |           |                |       |
|---|------------------------|---------------------|-----------|----------------|-------|
|   | Indictable Prosecution | Summary Prosecution | Diversion | No Prosecution | TOTAL |
| Riot  | 33                     | 30                  | 9         | 10             | 82    |
| Obstructing traffic in a public place                                     |                        | 38                  | 4         | 6              | 48    |
| Disorderly behaviour  |                        | 30                  | 4         | 1              | 35    |
| Taking part in an un-notified public procession                           |                        | 31                  | 1         |                | 32    |
| Assault on police   |                        | 26                  | 2         |                | 28    |
| Obstruction of a road   |                        | 19                  | 3         | 2              | 24    |
| Riotous behaviour   | 1                      | 7                   | 5         | 3              | 16    |
| Doing a provocative act   |                        | 9                   |           | 1              | 10    |
| Obstructing lawful activity in a public place                             |                        | 8                   |           | 2              | 10    |
| Taking part in an unlawful public procession                              |                        | 7                   | 1         | 1              | 9     |
| Obstructing a constable – road traffic order                              |                        | 7                   |           |                | 7     |
| Possessing offensive weapon in a public place                             |                        | 6                   |           |                | 6     |
| Affray  |                        | 3                   |           | 2              | 5     |
| Criminal damage   |                        | 3                   |           | 1              | 4     |
| Encouraging or assisting offences believing one or more will be committed |                        | 4                   |           |                | 4     |
| Assault occasioning actual bodily harm                                    |                        | 1                   |           | 2              | 3     |
| Causing a dangerous article to be on the road                             |                        | 2                   |           | 1              | 3     |

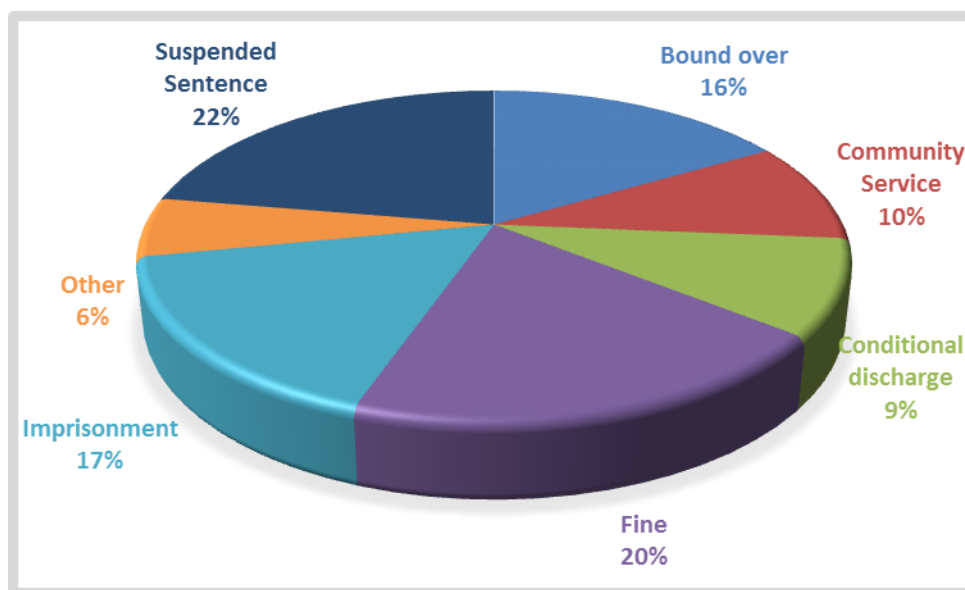
|  |           |            |           |           |            |
|--|-----------|------------|-----------|-----------|------------|
| Obstructing the police                           |           | 2          | 1         |           | 3          |
| Possessing a firearm in suspicious circumstances |           | 2          |           | 1         | 3          |
| All other offences                               | 6         | 22         | 1         | 1         | 30         |
| <b>Total</b>                                     | <b>40</b> | <b>257</b> | <b>31</b> | <b>34</b> | <b>362</b> |

*Table 8. Flag protests and related incidents: Primary Offence.*

A total of 37 cases were dealt with in the Crown Court. The majority (35) were males. Of the 37 defendants, 21 (56.8 per cent) were convicted of all charges and 13 (35.1 per cent) were convicted of at least one offence. The conviction rate for those brought before the Crown Court was 91.9 per cent.

In addition, a total of 249 people were dealt with through the Magistrates' / Youth Courts. A total of 125 (50.2 per cent) of these defendants were convicted of all charges and 65 (26.1 per cent) were convicted of at least one offence. Of those convicted of all charges, the largest percentage (23.2 per cent) was made up of men aged 25-34. The highest majority of females convicted of all offences (41 per cent of all females) were made up of women aged 45 and over. The conviction rate for those brought before the Magistrates' / Youth Courts was 76.3 per cent.

The pie chart below (Figure 4) shows the disposal outcomes for both the Crown Court and Magistrate Court / Youth Court. Of the 224 defendants convicted in the courts 37 (17 per cent) received a custodial sentence. The largest number of defendants (50) were given a suspended sentence (22 per cent), followed by 20 per cent (44) issued with fines. 10 per cent (22) of the defendants before the courts were given community service and 9 per cent (21) received a conditional discharge.



*Figure 4. Court outcomes: Crown and magistrate courts.*

Figure 5 indicates that that the largest percentage of those receiving a custodial sentence were aged 18-24 (57 per cent), followed by 24 per cent of those aged 25-34. The fewest number of custodial sentences were located among defendants aged 45 and over.

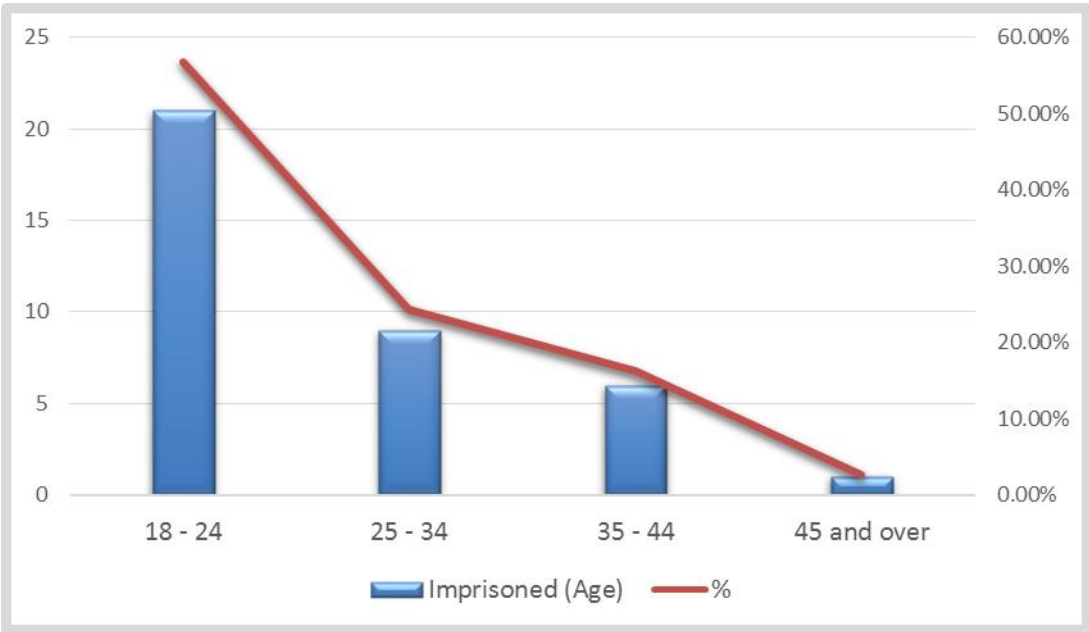


Figure 5. Custodial sentence – age of defendants

When length of sentence is explored the largest share (54 per cent) were given sentence ranging from 1 to 6 months imprisonment. 27 per cent of the defendants received a custodial sentence of between 7 to 12 months and 14 per cent of the defendants received sentence ranging from 13 to 18 months. The lowest number (2) of defendants (5 per cent), were given custodial sentences above 18 months. The longest custodial sentence given to date for an individual's part in the flag protest was 2 years.



Figure 6. Custodial sentence – length of sentence.

### *Summary of prosecutions*

As of November 2014, 362 files relating to the flags dispute have been submitted by the PSNI to the Public Prosecution Service. The overwhelming majority of the defendants are male (85 per cent) and the largest majority of those charged in relation to the flags protest were aged 18-24 (25 per cent). 20 per cent of those charged in relation to the flags protest were young people aged 17 or under. The main primary offence committed was riot, with 82 of the 362 convicted of riot. This made up 22.6 per cent of all primary offences. This was followed by obstructing traffic in a public place (13.2 percent) and then disorderly behaviour (9.6 percent). Over half of the 286 defendants brought before the courts to date, have been convicted of all offences (51 per cent).

The outcomes have varied considerably but the largest majority of individuals convicted of offences related to the flags dispute have received a suspended sentence (22 per cent). To summarise: of the 224 defendants convicted in the courts, only 37 (17 percent) received a custodial sentence, with the largest majority of the defendants receiving a custodial sentence ranging from 1 to 6 months imprisonment (54 per cent). The lowest number (2) of defendants (5 per cent), were given custodial sentences above 18 months. The longest custodial sentence given to date for an individual's part in the flags protest has been 2 years.



## 8. THE LEGACY OF THE FLAG PROTEST

### 8.1 The impact on politics

On 31 August 2014 Martin McGuinness gave a speech to mark the twentieth anniversary of the first IRA ceasefire. Acknowledging that the peace process was in serious difficulty, he explained why he thought relations between nationalist and unionist politicians had deteriorated so badly. He said the current political crisis had begun with the flag protest and the actions of the 'anti-democratic forces' who had failed to respond positively to Sinn Féin's compromise on the issue. Because one followed the other in a time sequence however it does not necessarily mean one was the cause of the other: *post hoc* is not necessarily *propter hoc*. It is difficult to disaggregate the individual elements in what became a compound problem, but there are some indicators that allow us to assess the particular weight that can be assigned to the flag protest. Chief among these are: the impact on electoral politics, and the impact on the policies of the unionist parties.

#### *The impact on electoral politics*

The turmoil that Northern Ireland experienced during the flag dispute, and in subsequent outbreaks of public disorder during the 2013 marching season, did not result in any significant change in electoral behaviour. Two polls were held in May 2014, one for the local district councils and the other for the European Parliament. Elsewhere in Britain and Ireland these elections threw up major upheavals in the body politic: in Great Britain they marked the arrival of UKIP as a serious electoral force, while in the Republic of Ireland they represented a similarly seismic shift with stunning victories for Sinn Féin. Northern Ireland was different. Despite the constantly low ratings in opinion polls for the performance of local politicians, the election results did not show any evidence of a desire for a radical break.

Notably, there was a 30 per cent rise in the turnout in the 2014 European election compared to the one in 2009 (much greater than the 7.3 per cent growth in the electorate) and the total number of first preference votes for unionism (DUP, UUP, TUV, UKIP and Conservatives) grew by 35.6 per cent. The party whose share of first preference votes grew most was the DUP which experienced a 48.4 per cent growth in the number of first preference votes between 2009 and 2014, but still found it had new challenges on the right because of the growth of the TUV and UKIP, which between them took 16 per cent of first preference votes. The first preference totals for Sinn Féin and the SDLP also grew, but less markedly at 17.4 per cent. The only possible conclusion is that issues such as the flag protest encouraged voting, although 48 per cent of the electorate still failed to vote at all.

The local elections did show a slightly different trend. Despite success for Diane Dodds in the European elections, at the local level the DUP votes shuffled downwards. In the local elections of 2005 it had commanded 30 per cent of the vote; in May 2014 just 23.1 per cent. The hope of boosting its support by taking a strong position on the flag had not succeeded: instead it

boosted those like the PUP and the TUV who performed better in the local government elections. The drop in the party's vote was despite the support of sections of the UDA which had decided, after some wavering, to throw its lot in with unionism's largest party. While advising loyalists to vote DUP number one, these sections of the UDA also advised its followers to vote for all other unionists on the ballot paper, exercising their choice while maximising the combined unionist vote. The PUP chose to take the other turning at this fork in the road: rather than building the DUP vote they chose to stand in opposition. The PUP secured 2 per cent of the vote in the May 2014 local elections, reversing a ten year decline. The revival of the PUP's fortunes has to be seen to be in part due to the prominent role it played representing the loyalist view during the flag dispute. During the protest, the PUP had presented the DUP as a party removed from working class issues such as education and capable of betraying loyalism (this was reiterated in interviews with PUP activists conducted in this research). The PUP's proletarian politics and its liberal stance on issues such as same sex marriage did not sway as many voters however as the right wing Traditional Unionist Voice, which gained the largest increase in first preferences in these elections. Its share of the vote, although from a low base, increased from 2.2 per cent to 4.5 (and UKIP secured a further 1.4 per cent). The platform was one of implacable hostility to the 1998 Agreement, and the combined TUV/UKIP share of 5.9 per cent of the total vote must be seen as a shift to the right in the unionist constituency.

For the UUP, although only receiving a growth of 1 per cent in the European elections, Mike Nesbitt's gamble of moving right-wards to narrow the distance between himself and Peter Robinson also seems to have paid off at the local level as the party managed to increase its share of councillors by 2.2 per cent. The Alliance party, which had been said to be threatened with electoral meltdown, only saw a drop of 0.7 per cent in its vote. Eight councillors were returned in Belfast which allowed it to retain the fulcrum position on the City Council. And Anna Lo's candidacy saw the party receive its best ever share of the vote in a European election, 7.2 per cent, up 1.6 percentage points on the previous outing.

Perhaps the most ignominious fate was that suffered by the 'parties of the protest'. Willie Frazer had launched his Protestant Coalition party in April 2014, just before the election but with enough time, he said, to get rid of "the whole old rotten farce of the DUP/UUP".<sup>130</sup> A month may have been a short time to prepare an election campaign, but it proved long enough for the new party to implode, and after a series of splits no Protestant Coalition candidate's name appeared on the ballot paper. Frazer's companion Jamie Bryson suffered a similar fate when he entered the electoral arena. An attempt to crowd source £5,000 funding to launch an election campaign for the European Parliament failed. It was revealed that only £165 had been raised. Withdrawing from the election, Bryson urged his followers to vote for TUV or UKIP.

In Belfast City Council level these results led to small but significant changes. Sinn Féin gained no additional seats. The DUP lost 4 seats with Alliance and the SDLP losing one each. Those 6 seats were redistributed through gains for the UUP (+1), PUP (+2), Greens (+1), People Before Profit Alliance (+1) and TUV (+1).

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<sup>130</sup> Protestant Unionist Loyalist Voice magazine, Issue 1, Spring 2013

In overall terms these two elections presented mixed results. At one level unionist voters appeared to rally somewhat with significant growths in terms of the number of first preference votes for the DUP, UKIP and the TUV in the European elections. The growth in the TUV and UKIP vote represented a mix of anti-European sentiment and also dissent against the DUP and to some extent anger at the flag issue. At the local level the PUP made some headway from a low base which most probably reflected their closeness to the flag issue. The TUV made one gain in Belfast. Nationalism and republicanism at Belfast City Hall lost one seat. The gaining of a seat each by the Greens and People Before Profit Alliance also indicated that the flag issue had not been as central as was assumed. Evidently, the voters of Belfast had not rallied as had been assumed with many remaining uninterested and/or disheartened by local politics and who simply chose to spend election day away from the ballot box.

### *The impact on party policies*

Although the flag protests failed to evolve into an electoral force, the DUP and the UUP seemed to take the message from the streets seriously – first of all in the hastily convened Unionist Forum, then in the hard-line policies they took into the May elections (both parties pledged to support the flag flying 365 days a year), and finally in the stance adopted during the Haass/O’Sullivan negotiations. As a reassurance to the Orange constituency the DUP included Rev Mervyn Gibson, county Grand Chaplain of the Orange Order in Belfast, as one of its three representatives on the talk’s team. Rev Gibson was not the only representative of extra-parliamentary unionism. Jamie Bryson, Willie Frazer and Jim Dowson turned up at the Stormont Hotel in Belfast where the talks took place, and made it known they were available should any member of the unionist parties wish to consult them. In the early hours of the morning on New Year’s Day Richard Haass announced that the seventh and final draft of a 38 page document outlining agreement on the key issues had failed to command assent. Sinn Féin and the SDLP were prepared to sign up to it, but the DUP, the UUP and Alliance were not. In the fall-out after the failure of the talks, questions were asked about the influence of the flag protestors on the two unionist parties, and there was anger within the nationalist camp about Jamie Bryson’s claim that his views had been sought by unionist negotiators. He did not specify which party had spoken with him, and Jeffrey Donaldson of the DUP denied he had spoken with Bryson. However he told the *Irish News* on 8 January that he had briefed Willie Frazer on the content of the drafts. Jamie Bryson published his own version of how one of exchanges took place in the memoirs he published in October 2014:

I went into the toilets and was passed a shorthand copy of the documents. I was given 15 minutes to study the document whilst the person who had given me it went to make a phone call. He returned after 15 minutes and took back the paperwork he had given me. I expressed my disgust at what I had read and he promised to keep me up to date. He said he would deny this exchange ever took place, I said that he didn’t have to worry; I would never reveal my source.<sup>131</sup>

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<sup>131</sup> Bryson, J (2014) *My only crime was loyalty*. A Kindle publication.

There is no independent verification of this account, and it should be stressed that the DUP and UUP negotiators have denied any such direct engagement with Bryson. The fact that Frazer was directly consulted however is sufficient evidence of a perceived need to keep the protestor constituency on board. It was not a constituency that was inclined towards compromise, and in the end – for reasons that have never been fully detailed - the two unionist parties refused to sign up to the agreement drafted by Haass and O’Sullivan.

The full text of the Haass/O’Sullivan final draft document had as its formal title *An Agreement amongst the parties of the Northern Ireland Executive on Parades, Select Commemorations and Related Protests; Flags and Emblems and Dealing with the Past*. In this paper Dr Haass reported that the issue of flags and emblems “proved to be the most difficult in which to reach consensus: there was no accord on policies surrounding the flying of flags on official business or the unofficial display of flags and emblems in the public space”. The reason given by Haass was that the flags issue is simply a manifestation of the ethno-nationalist clash of identities, and that the surface expression of the problem could not be resolved without a resolution of that fundamental division:

Without a larger consensus on the place of Britishness and Irishness – for which there must be a protected space alongside other identities, national or otherwise, represented in our society – we could not reach a common position on the flying of flags and the display of other emblems, which are in fact manifestations of those identities.

It might be observed that the 1998 Agreement had provided a resolution of the position of British and Irish identities, and that the debate on flags and emblems could be conducted between the conflicting imperatives of, on the one hand, that document’s recognition of the constitutional position of Northern Ireland as part of the UK, and on the other, the document’s requirement for parity of esteem – the very issues adjudicated by Justice Kerr in 2000. The fact that a more fundamental review of the underlying principles of the 1998 was prised open during these negotiations would have to be seen as the triumph of the anti-Agreement flag protestors.

Solutions also eluded the political parties in the multi-party talks leading up to the Stormont House Agreement in December 2014. While progress was made on the vexed issues of welfare reform and the legacy of the past, the twin problems of flags and parades were left unresolved. As Irish News journalist John Manley put it, these ‘seem destined to be eternally kicked down the road’<sup>132</sup>. Belfast Telegraph columnist Brian Rowan agreed that the issue of flags ‘is parked more or less where Haass left this issue some 12 months ago’.<sup>133</sup> All that was agreed was the establishment of a new Commission on Flags, Identity, Culture and Tradition, to be established by June 2015. This 15-person body is scheduled to report within 18 months of its being established, and is charged with achieving ‘maximum consensus’ not only on flags but on the ‘broader issues of identity, culture and tradition’. It is perhaps not surprising that this particular proposal met with a degree of scepticism.

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<sup>132</sup> John Manley, ‘Deal buys time and money,’ Irish News, 24 December 2014.

<sup>133</sup> Brian Rowan, ‘A little give and take broke the stalemate,’ Belfast Telegraph, 24 December 2014.

## 8.2 The impact on community relations

In May 2014 the local government elections in Belfast returned 60 councillors to administer a divided city. Council officials planned a coach tour to allow them to become better acquainted with the neighbourhoods of Belfast. According to an article in the *Belfast Telegraph*, it turned out that most had never visited those parts of the city where ‘the other side’ lives (including former Lord Mayors Mairtin O’Muilleoir and Gavin Robinson).<sup>134</sup> But the *Telegraph* article concluded by saying that the plan to provide them with a coach tour of their own city had hit a problem – they couldn’t agree an itinerary. Even those involved in community relations work can often have limited experience of crossing the sectarian divide. For example, the idea of the ecumenical Four Corners Festival in 2014:

grew out of conversations between Fr Martin Magill, parish priest at Sacred Heart Parish in north Belfast, and Rev Steve Stockman of Fitzroy Presbyterian Church in south Belfast. *Both had recently travelled to parts of Belfast with which they were unfamiliar, and had been astonished and transfixed by what they discovered there.* [emphasis added]<sup>135</sup>

These two examples serve to illustrate the width of the sectarian gap in the both before and after the flag dispute. Clearly, the flag dispute was not the cause of the division. It did however mark a crucial turning point in the attempt to create a shared society, and our concern here is to assess its particular impact. In order to make an assessment on the impact of the flag protest, we have spoken with flag protestors and also with those who run community relations projects. We have examined survey data, and considered the findings of other academic studies into the impact of the protest. These are all summarised below, and some tentative conclusions are offered on the current hopes for reconciliation.

### *Perspectives from within the loyalist community*

It should not be assumed that those who favour the Union flag flying 365 days a year at Belfast City Hall are automatically hostile to community relations. Among the flag protestors we interviewed were those who involve themselves in cross-community activities and who showed a sensitivity to the feelings of the nationalist population. These individuals experienced the flag protest as a particularly difficult time. A number of those interviewed who had experience of community relations work also described a move back to a more adversarial position. A male from Rathcoole told of his involvement in cross-community reconciliation residential projects. His involvement in band music had led him to perform for President Mary McAleese in Dublin Castle, and he had participated in a project which led to visits to Poland to look at sites linked to the holocaust. These had been important experiences for him, but he no longer believed the idea of a shared future had any resonance in his community: “I don’t think any community’s

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<sup>134</sup> Belfast Telegraph, 14 June 2014, ‘Belfast councillors to get bus tour of ‘other side’.

<sup>135</sup> Four Corners Festival website, [www.4cornersfestival.com](http://www.4cornersfestival.com) (date accessed 1Dec14).

ready to move on.” *(Interview)* A woman who had been a member of a Community Relations Forum said she was so upset by the flags issue that she had to step away from it:

I’ve had to take a year away from it because I couldn’t be around those people. But it wasn’t those people, they never did a thing on me, never did anything. I chose to step aside because I thought ‘I’m going to explode here if someone says something’.  
*(Interview)*

Clearly, just as involvement in flag demonstrations does not make one automatically anti peace process, it is also the case that working for a cross-community body does not automatically make one pro-peace process. We have found allegiances to be more complex than that; for example, Jamie Bryson worked on a Peace III funded inter-community project until the project finished shortly before the flag protest. As he explains it, all the time that he was employed on a Peace III project he was completely opposed to the peace process:

Well, I’d always been, from I left school, opposed to the peace process and very much anti-Agreement and would have campaigned against the Agreement. *(Interview)*

As noted in Section 6, a striking feature of the interviews with loyalists conducted for this research was the consistency of the belief that there is a republican agenda to dilute Protestant or unionist culture. This was shared by those who had participated in the protests and those who had not, and by those who had had involvement in cross-community work and those who had not. An interface worker from a loyalist estate who kept her distance from the demonstrations still felt that they had a justified cause, that working-class Protestants have become the victimized minority. A Shankill resident, who again was not a protestor, described what she saw as a cumulative process of subordination of the Protestant people:

We’re being demonized here by the Parades Commission, by the police, by the media and we’re here... When the Troubles started Catholics felt like that. That’s why they had the Civil Rights, they said they couldn’t get jobs and stuff like that. Things have turned around now. *(Interview)*

The retrospective identification with the civil rights movement of the late 1960s does not extend to any identification with the Catholic community of today. The relationship between the two communities is framed as a hierarchical pairing, with unionists now playing the underdog and to the Catholic community top dog. This implied reversal seemed to obviate, for some, any desire for cross-community exchanges. In the interviews we conducted the issue of Protestant/Catholic reconciliation did not arise unless raised by us. It simply was not on any interviewee’s immediate agenda.

For those, within the PUL community trying to re-build after the ruptures that opened up during the protest the key category is cohesion, not reconciliation. There was seen to be a strong imperative to build unionist unity, and to imbue young people with a deeper awareness of their

unionist identity. The importance of education was stressed, but education with a very particular purpose, as a community project leader explained:

We've got the programme there and it's empowerment through education ... once you teach them about their own identity then they understand what's going on around them, cos I would say 100 per cent of our kids haven't a clue about where they came from.

The focus on ethnic affirmation has as its corollary an unwillingness to seek common identity with the Catholic community. In some cases, reconciliation and cross-community work are seen as damaging. A male community worker who was on bail for a rioting offence committed before the flag protest bemoaned the lack of support the cause received by those under 16 year olds whom he described as "cross-community brainwashed". The opposition to reconciliation projects extends even to those moments in the peace process that are seen as its signal achievements. For example, the image of former IRA commander Martin McGuinness shaking hands with Queen Elizabeth was taken as another sign of loyalist vulnerability by one interviewee:

The flag, the flag's all we've got left. And to be quite honest with you, the way the Queen's playing about now, she's even demolishing it – shaking hands with the people that murdered her uncle. *(Interview)*

Other symbolic attempts to move out of conflict are also seen to threaten loyalist culture. The Arts Council of Northern Ireland has headed up the 'Reimaging' project whereby local neighbourhoods are funded to replace threatening and militaristic wall murals with other imagery that reflects more positive images of their community, and which are more in keeping the idea of a post-conflict society. Rev. Mervyn Gibson from east Belfast located the Reimaging scheme in a narrative that led to the flag protest:

that was against the backdrop of people bringing flags down from lampposts, this gradual thing that murals had to be changed... People want their history put up and that history included the original UVF, ... but there was this thing you had to put neutral symbols up so that didn't help at all... And people were saying 'You're being denied what you can put up'. *(Interview)*

From this perspective walls, lampposts and kerbstones are all visual markers on a cultural battlefield. The enemy is not just the Catholic community but all those in authority who are seen to be united in a desire to render Protestant culture invisible. This includes those in community relations work.

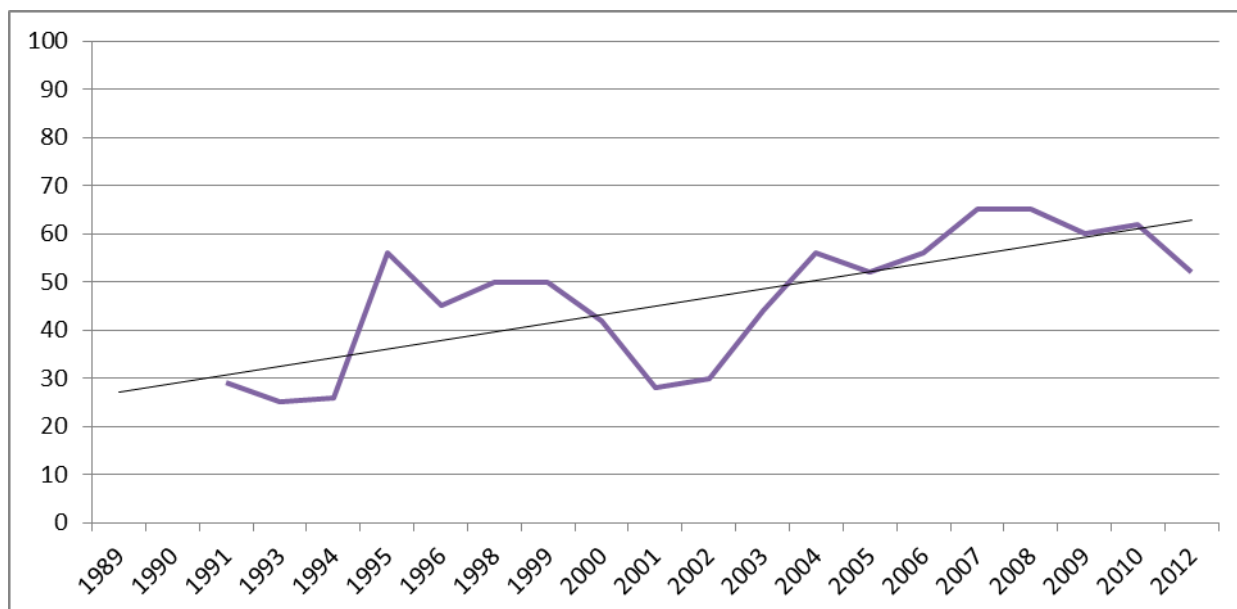
### *Evidence from polling*

The views from those we interviewed in loyalists areas cannot be taken to be representative of the Protestant community as a whole, or even those who identify as unionists. As a piece of qualitative research the interviews allow the complexity of the loyalist view of the world to be probed in greater depth, but if we want to know about attitudes in the population as a whole,

or the attitudes of unionists as a whole, we must turn to large-scale surveys. There have been two that explore community relations in the period after the flag dispute. The first is the Northern Ireland Life and Times (NILT) survey. The other is an opinion poll conducted by the Lucid Talk polling agency for the Belfast Telegraph and published on consecutive nights from 29 September to 2 October 2014. The NILT survey probes attitudes to community relations through a varied range of questions, and is based on a survey of 1,204 adults aged 18 or over. Unfortunately, the results published in May 2013 draw on interviews from 1 October 2012- 10 January 2013 and only about 20 per cent of the interviews took place after the BCC vote, which means we cannot be sure to what extent attitudes were influenced by the City Hall decision or the protests that followed.

There are two key indicators in NILT on community relations: the first shows how far people think things have improved to date, and the second tells us how optimistic people are about the future. The 2012 results show a sharp drop in the percentage of people who think relations are better than they were five years previously (52 per cent), with an even distribution between Catholics and Protestants. No comparisons can be made with 2011 as that was the year no survey was conducted, but compared to 2010, positive views have dropped most significantly among those who state no religion (58 per cent in 2010 to 41 per cent in 2012), then among Catholics (67 per cent to 53 per cent), with the smallest decline in positive views is among Protestants (59 per cent to 54 per cent). As regards the second indicator, on whether people are optimistic about the future, the 2012 survey again shows a falling off in positive attitudes. Only 48 per cent expect things will be better in five years' time (down from a high of 64 per cent in 2007); there are marked differentials: Catholics are more optimistic (53 per cent) than Protestants (45 per cent) while No Religion respondents are the least optimistic of all (39 per cent). In the period from 2007, the proportion of respondents saying that community relations will get better in five years' time had fallen 19 percentage points among Catholic respondents, 14 percentage points among Protestant respondents, and 25 percentage points among those with no religion. That doesn't mean there is a corresponding increase in the idea that things will get worse. Instead, there is what appears to be a resigned acceptance: 39 per cent of respondents think things will remain 'about the same'.



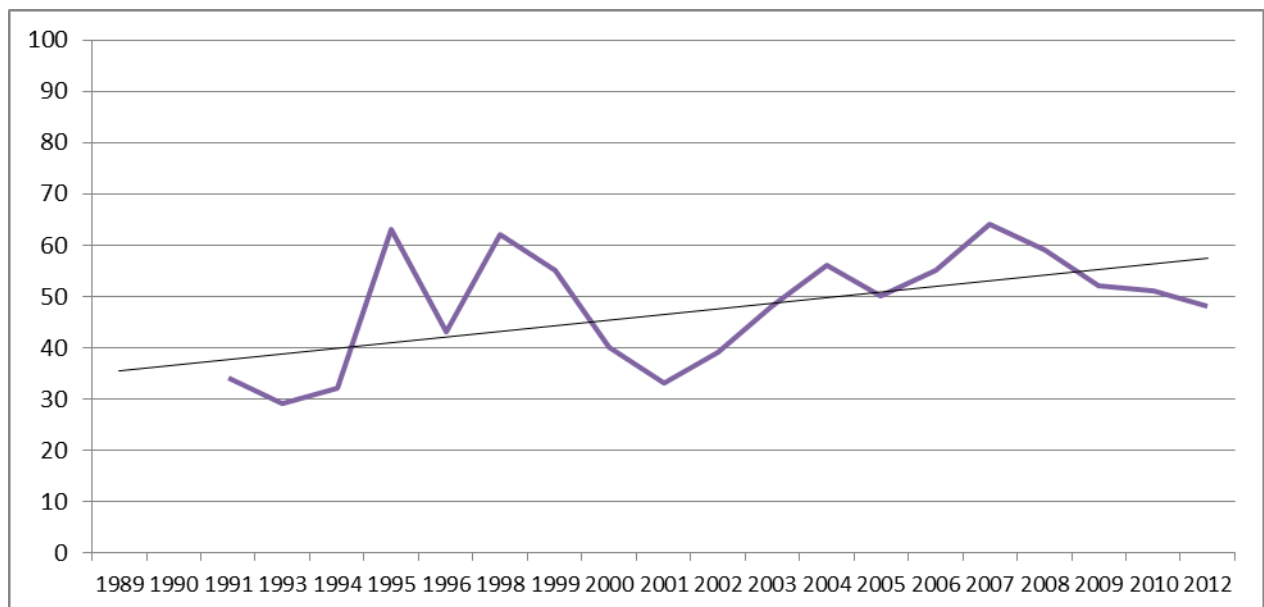


*Figure 7. Percentage saying relations between Protestants and Catholics are better than they were 5 years ago (NILT).<sup>136</sup>*

In the commentary on these long-term trends Duncan Morrow, Gillian Robinson and Lizanne Dowds, note the impact of slow processes and high profile events on attitudes towards community relations.

Improvements in perceptions of community relations have occurred where violence is seen to recede (ceasefires of 1994) or where an accommodation has been successfully achieved (devolution in 2007). Where one side perceives progress which is not sufficiently shared (Agreement in 1998), community relations remain unstable. Where sectarian violence returns (Holy Cross 2001 and potentially in the violence of 2012-13) perceptions of community relations fall sharply.

<sup>136</sup> Source: Morrow, D, Robinson, G, and Dowds, L (2013) 'The long view of community relations in Northern Ireland'. Belfast: University of Ulster, ARK Research report, December 2013.



*Figure 8. Percentage saying relations between Protestants and Catholics will be better in the future (NILT).*

In other words, the authors suggest that the conditions surrounding the flag dispute may yet be shown to have seriously impacted on community relations. This would certainly seem to have been the case in relation to attitudes to mixed neighbourhoods and mixed workplaces. For example, is notable that preference for mixed-religion workplaces among urban Catholics was on a distinct upward trend in the decade 2001 to 2010 peaking at 90 per cent but this has fallen back drastically in 2012 to 62 per cent. As the authors of the commentary conclude, “the preference for mixed living and indeed mixed workplaces effectively fell off a cliff in 2012”. Frustratingly, we do not know exactly when more positive preferences actually fell. It is possible that the flag dispute was the catalytic event, but it may itself be an expression of a downward trend. One thing that *is* clear from the NILT 2013 report is that community relations in Northern Ireland have significantly deteriorated.

The Belfast Telegraph/Lucid Talk poll followed on from a relatively peaceful marching season, and this may help explain a more optimistic response than in 2013, when the poll followed on from the flag protest and a turbulent marching season. Only 3 per cent (the size of the margin of error) thought Northern Ireland would ever return to violence – a sizeable drop from 13.1 per cent when this poll was conducted the previous year. The proportion of people expecting a more stable and peaceful society was 18.8 per cent, an increase on the previous 14 per cent. It was still much lower than the 45.3 per cent who didn’t think things would improve. This total included 25 per cent who expected things to get worse, and 20 per cent who expected no real change.

### 8.3 Other research studies on the protest

There have been two other studies which used qualitative research methods to assess the impact on community relations: *Flagging It Up* by Will Glendinning and James Wilson, and *Flags and Protests* by Jonny Byrne. The first of these was funded by the CRC and commissioned by the Church of Ireland St Paul's Parish of Errigal and Desertoghill, a parish in Garvagh which in 2014 was awarded the Good Relations Award by OFMDFM. Garvagh, a small market town 11 miles south of Coleraine, is a microcosm of Northern Ireland in demographic terms: Garvagh saw its Protestant majority drop to just 49.9 per cent in the 2011 census, while the Catholic percentage increased to 47.3. In December 2012, the flag protest saw roads blocked, a rally addressed by TUV leader Jim Allister, and a Facebook page created by the Garvagh United Loyalists. There was nothing that made headlines, and the flag protests can be taken as typical of many which passed without media attention. The value of the study is that it shows how even such low intensity protests can have an impact, as the evidence gathered from focus group interviews led the authors to conclude "that the flag protest damaged the already fragile community relations in Garvagh".

In keeping with our own findings, the report points to the importance of the role played by a 'new demographic, the generation who had missed the Troubles and were cyber literate'. Masked up at night on the country roads around the town, they revealed themselves unmasked on the Garvagh United Loyalist Facebook page. The authors report:

They see no purpose in conflict transformation as their cultural identity is built on a glorification of sectarian conflict, and they reject democratic politics as 'it did not stop the flag from being ripped down'

The *Flagging It Up* study lives up to its title: what it signals is that politicians and policy-makers need to attend to the fact that in quiet, out-of-way places like Garvagh a radical disaffection is brewing among young Protestants who feel abandoned by the political process, and who are willing to engage physically in purported defence of unionist traditions. As the authors conclude, "Left alone, the Garvagh brand of sectarianism will continue to fester and manifest itself in hate crime and malicious acts of bigotry".

The second study, by Jonny Byrne, was commissioned and published by INTERCOMM, a conflict transformation project based in north Belfast.<sup>137</sup> The study was conducted through focus groups with the following: two groups of female flag protestors, one group with representatives of the churches, and one group of young people from the loyalist community. As with the Garvagh study, the findings present little cheer for those involved in reconciliation work. The female flag protestors speak of their sense of hurt and abandonment, and report a lack of interest in cross-community contact:

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<sup>137</sup> *Flags and Protests: exploring the views, perceptions and experiences of people directly and indirectly affected by the flag protests*. 2013

Several of them had been involved in 'cross community' programmes prior to these events, and had established strong links with their nationalist neighbours. However, since the protests had begun they had ceased to meet, and were reluctant to commit to similar programmes.

They resented the promotion of the idea of 'a shared future', which they see as a term that masks republican ambitions:

The idea of a shared future is one which doesn't include unionists and loyalists. It is more about protecting their (republican) identity and one that will only see us (loyalists) as continuing to lose out.

The second section of the report sounds out the opinion of the churches, but since the study is an inquiry into the Protestant community, there are no representatives from the Catholic Church. The cross-denominational focus group participants show a concern about the ruptures within the Protestant community, primarily based around class:

if you protest you are a loyalist, and if you stay at home, but say 'that's awful' about the flag then you're a unionist.

It is striking that cross-community work is not mentioned in this focus group discussion and that when nationalists or republicans are mentioned they are seen only as people who do not understand unionism, or who are threatening to unionism. The church representatives did not talk about reaching out across the sectarian divide, but rather about: "The need to create a new confidence and a new identity around loyalism, one that was not demonized, and one that people could easily understand what it represented."

## **8.4 Perspectives from community relations organisations**

We interviewed those who work on the ground on community relations projects, and those who hold senior management positions in the major agencies. In addition we spoke to those from churches involved in cross-community work and other community-based projects in the interface areas. The spread of provision is extremely wide and for the most part community relations programmes were maintained during the protest; but what happened to locally-based projects in the areas affected by the violence? We found evidence of community relations practitioners responding imaginatively to situations as they arose. Two small examples will suffice here. Rev Bill Shaw from the cross-community project, the 174 Trust in north Belfast, described to us how one night during the protest they brought together a mixed group of teenagers explaining to each other how they felt about their GAA scarves and Celtic tops or their Rangers tops and Union flags. Presbyterian minister Rev Dr Lesley Carroll provided a similar example from a community-based project.

We did a whole project about designing a flag ... what struck me about it, because the premises in which they meet for the youth club is right on the peace line, was that all the

flags they had designed had representations of both sides of the community on it... nobody was designing a flag which could dominate anyone else. *(Interview)*

The Chairperson of the Community Relations Council, Peter Osborne, stresses the difficulties entailed in important small-scale ventures of this kind:

The people who are doing this on the ground at the minute ...are doing what is actually very difficult, challenging, complex work. ...They have people coming to them to criticise them, and ... we have examples of these workers being threatened. *(Interview)*

All the people we interviewed talked about how normal activities were disrupted during the protests: sometimes because of rioting, sometimes simply because of the travel disruption. We asked about the longer-term effects and those working with loyalist communities explained that the impact was still making itself felt. Susan McEwen, Development Director with the Corrymeela Community gave one practical example of how it affected a project at their residential centre:

Normally we would take between 60 and 80 young people up to the Centre over the 12<sup>th</sup> July – you know, cross-community, across the interfaces. And last year [2013] about May time it came back to the BELB through their workers that the UVF had sent out a restriction on young people going away over the Twelfth, that it was sectarian to take young people away over the Twelfth because we were denying them their culture. And so we had to change the programme, and they came up on the 14<sup>th</sup>. Now that was the first time that had happened. *(Interview)*

Debbie Watters works with AlternativesNI, a restorative justice project in the Greater Shankill, and also serves on the Policing Board. This twin perspective has afforded her a very clear vision how social upheavals impact upon local communities. We asked her how she would assess the impact of the dispute:

strategic conversations continue to take place but ... cross-community work, if it takes place, is much more difficult, ... In my experience, young people that we work with, they didn't see things through the lens of the past until the past eighteen months. So now when I work with young Protestants their analysis is all about the past, and that wasn't the case before. *(Interview)*

No-one we spoke to was complacent; no-one doubted that reconciliation work had been damaged. The question was: by how much? Was this all just a bump on the road towards a lasting peace, or can it be seen to represent something more significant? Both Debbie Watters and Susan McEwen felt it was very much the latter. Watters explained how it fitted within the trajectory of developments on the Shankill Road:

On the Shankill we always talk about the Whiterock riots of 2005 and at that stage things were very, very bad and police weren't allowed really on the road, they weren't served in shops, and Alternatives was the only organisation that would allow police in the doors and

we began to help the community rebuild. We're at a much worse place now, and that was always our temperature gauge.

Susan McEwen was in agreement, though using a different reference point. She explained how the impact zone was much wider than the areas where protests were held, and how in fact it impacted on the whole society in a way not seen since the Holy Cross dispute of 2001:

Most of our conflict stayed within certain contained area... the interface areas. The only other incident I would say that had the same 'rippling out' effect was Holy Cross....it was coming from middle-class people, even from the leafy East Belfast suburbs, it rippled right out. I would say there are some relations that are still fractured because of Holy Cross. I would say the flags are very similar. Not with the same level of violence, but in one sense, the sense that people who weren't normally gathered into it – they were gathered into it. *(Interview)*

We asked the same questions of Peter Osborne of the CRC and the Director of Cooperation Ireland, Peter Sheridan. Both saw the flag protest as a perspective-taking moment, a sharp reminder of the distance that still has to be travelled to arrive at reconciliation. But both also felt that the long view showed that much had been achieved.

There are 1,000 people alive today because of the Good Friday Agreement... That's the starting point. *(Interview with Peter Sheridan)*

The long-term view brought something else into focus, Peter Sheridan explained. The Belfast Agreement had been a triumph for the British, Irish and American political elites, but it was never a triumph of reconciliation.

What happened with the Good Friday Agreement was that all political parties in Northern Ireland conceded to the British government. Blair was passionate about this. They conceded to the Irish government. Bertie Ahern was passionate about it. Clinton was passionate about it. All the political parties ended up conceding to them, but what we didn't get them to do was concede *to each other*. *(Interview, emphasis added)*

Peter Osborne expressed the view that community relations organisations, and even local politicians could not be expected to deal with those outstanding issues on their own. The problems which had been looked at in the Haass/O'Sullivan talks – of parades, the legacy of the past and flags and emblems – all of these, he said, are issues that require the attention of the British and Irish governments:

Those issues are relevant to the governments. Both governments cannot say that the legacy of the past is nothing it do with us. ...They cannot say parading is nothing to do with them because it actually isn't a devolved matter at the minute...and flags and emblems are issues for everyone on these islands. *(Interview)*

## 8.5 The future of reconciliation work

We have not surveyed the field of reconciliation work or community relations today, but what we have endeavoured to provide an explanation of how the vote in Belfast City Hall led to such a prolonged protest, and in doing that, we hope the report also sheds some light on the condition of loyalism and unionism in the period after the protest. From that certain things follow. We suggest there are two key facts that are of relevance to discussions on how reconciliation work is to be developed in the future. One is that within the loyalist community the most frequently voiced concern – or at least the most anguished – is the sense that ‘no-one listens to us’. Any long-term planning of community relations work must attend to this key reality. That sense of marginalisation may only be shared by a relatively small number of people but, as the flag protest demonstrated, if a belief is held with sufficient intensity then the impact can be disproportionate to the numbers who hold it. Any long-term planning for community relations work must attend to the sense that loyalists feel they are not being heard.

Although this problem can be clearly identified it does not follow that the answer is in any way obvious, as the desire to be heard is not accompanied by any desire to listen. We have found a striking lack of interest in the concerns of the nationalist neighbour, or any willingness to concede that nationalism has also had to make compromises during the peace process. The decommissioning of IRA weapons, the removal of Articles 2 and 3 from the Irish constitution, the numerous symbolic gestures, and even the willingness of the SDLP and Sinn Féin to hoist a flag to celebrate the birthdays of British royals are all disregarded. The only concessions that are recognised are those made by unionism, and these are not framed within a narrative about peace, but rather as part of an unfolding story of loss. We have found nothing to challenge the analysis put forward by Rev. Mervyn Gibson, that the peace accord was never sold to the loyalist community by the main unionist parties, and that instead they are continually warned of the dangers they face.

If we accept that it is beyond the power of community relations bodies, at least in the short term, to change the dominant narratives of the political parties, then attention can focus on the types of programme that might have the greatest effect at ground level. If these are to be led by demand then the direction of travel is clear. The strongest demand in loyalist areas is for activities and programmes that build on unionist identity and unionist history - what is usually termed ‘single identity work’. This is not a new departure. For over twenty years ‘single identity’ programmes have been funded by the major agencies and the rationale, more frequently applied to unionist communities than nationalist ones, is that proper communication between the two cultures can only take place when each feels secure and confident in its own identity. That guiding principle has allowed for the funding of explorations of the Ulster Protestant identity through drama projects, support for marching bands, Orange history projects, funding for July bonfires, museums, festivals and other events designed as a form of cultural validation. The compass of these activities extends to include Ulster-Scots speech and the battle of the Somme – things that might claim the interest of both communities but which are framed within a discourse about Ulster Protestantism.

The argument for single identity work can take two forms: one, that this form of community affirmation is valid in its own right because it brings individuals into community-based activity, the other that it forms a useful starting point for cross-community work, which must be its eventual goal. The spectrum of possibilities in between has led to some interesting theoretical discussions within the field, but now that the model has been extensively tested we would wish to re-frame the question in the following way. In considering the ethnification of Northern Ireland politics since the Belfast Agreement, have projects of this kind mitigated or assisted the retreat back into the communal blocs? The question is a real and not a rhetorical one. We have not been able to find any systematic study of the impact of single identity work. There are numerous evaluations of individual projects but they do not answer the ‘adding it up’ question: what is the cumulative effect? One clue might come from the 20-year review of community relations conducted by Morrow, Robinson and Dowds:

The evidence of the Life and Times survey over twenty years is that opposition and resistance to sharing is greatest among those with a strong political, cultural and national identity. This is particularly evident among Protestants.<sup>138</sup>

Our research suggests that this generalisation is borne out in particular cases. If we want to consider the efficacy of single identity work, let us return to Garvagh as a case in point. In July 2013, to mark the 200<sup>th</sup> anniversary of the Battle of Garvagh, the Ulster-Scots Agency funded a three-day festival of commemoration in the town. It is easy to understand how such an event strengthened the sense of historical continuity for those in the town who identify with the Orange victors, but harder to see how it could have reconciled the descendants of the Catholic Ribbonmen to the neighbours they encountered masked up on the roads leading into the town on the nights of the flag protest. If, on the other hand, we look at the more traditional cross-community – or contact hypothesis – model, then we can look to the examples provided to us by Rev Bill Shaw and Rev Lesley Carroll of how mixed groups of Protestant and Catholic young people were much more willing to accommodate each other’s’ views, even on the contentious issue of the flag, when they met together in mixed groups. And, among the flag protestors we interviewed were those who, because of their contacts with the Catholic community, were sensitive about not creating unnecessary offence.

### *Two modest recommendations*

These are no more than small, anecdotal examples from our own research, but the absence of any stronger evidence base strengthens the case for a proper re-assessment of the different models of community relations. Various typologies have been devised in the past, but dividing, categorising and labelling is of less importance than a critical evaluation of impact – and any dispassionate weighing of the evidence must take account of the possibility of unintended consequences. Our first recommendation therefore is for a review of the efficacy of single identity work - not its success in attracting numbers, but its success in moving people towards a reconciliation with those of the other tradition. It would be useful if any such review could also make an assessment of the weighting given to single identity work in the disbursement of peace

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<sup>138</sup> Ibid.



monies. In particular, there is a need to train community members in the art of advocacy: achieving a manner in which arguments are made that relate to evidence and also policymaking. Any future work must turn senses of alienation into a process of evidenced claims and also to place those concerns within an equality framework. Loyalists have articulate spokespersons who advocate for a living wage, argue for leadership to challenge poor educational performance and highlight the need for republicans and nationalists to better understand their cultural identity. Unfortunately, those types of voices are burdened by funding shortages, internal feuding and the actions of those beyond. The overall aim must be to shift from anecdote and rumour into a politics in which reconciliation invokes identity raising but also identity sharing. Northern Ireland will remain within a power-sharing dispensation and all communities must be cognisant of that.

Our second recommendation is for the creation of a shared vision, a 'people's peace plan'. It is striking that the flag dispute broke out at a time when the Assembly had no community relations policy. It is a sobering fact that no such policy emerged until May 2013 with the publication of *Together: Building a United Community*, and that this detailed policy statement was only endorsed by Sinn Féin and the DUP (the other parties simply 'noted' the document). Despite a considerable list of practical commitments, and some ambitious targets, the United Communities policy has not been embraced by practitioners in the community relations field. That is partly to do with scepticism about the resources attached to particular targets, especially in the face of budget cuts. In November 2014 the Northern Ireland Executive indicated that, based on figures prepared by the Office of Budget Responsibility, day-to-day spending in Northern Ireland could be cut by a further 13 per cent in real terms by 2019. There is another reason why the TBUC strategy has failed to inspire the practitioners: the question of ownership. If those who work in community relations, peace building, cross-border, ecumenical and reconciliation work seek inspiration they may have to look to themselves to create it, and that way own the process. They will not be able to vote the financial resources, but at this point the resource that is most sadly lacking is vision. If that vision is to be created in a proper way, it will have to work hard to involve the loyalist community. But without that involvement the passions that ignited the flag protests are likely to flare again.

## 9. CONCLUSION

The flag protest fits within a long, ongoing process of symbolic contestation in Northern Ireland. It did not match the intensity of the confrontations at Drumcree in the mid-1990s, and in terms of scale it is dwarfed by comparison with the protests against the Anglo-Irish Agreement in 1985. The main demonstration in that period rallied 200,000 people at Belfast City Hall, while the largest of the flag demonstrations drew 2,000. Nevertheless, the duration of the protest and the unswerving commitment shown by its most dedicated supporters mark it down as an event of real import. More importantly, the context in which it occurred scales up the significance of the protest. While these earlier displays of unionist discontent took place in the period we now refer to as the Troubles, the flag protest took place in the context of the peace process and peace-building more generally. Indeed, it occurred at the end of a year which had been viewed as one in which significant advances had been made, not least the handshake between Martin McGuinness and the Queen, which was seen at the time as one of the crowning moments of the peace process.

The events that emerged before and after the decision taken regarding the flying of the Union flag over city hall were a reminder of how variant understandings of what 'is right' can lead to hostility even when a decision is undertaken through a majority vote. The flag decision exposed a landscape within which meaning was divided between constitutional belief on the one side and equality-building on the other: that is a circle which remains difficult to square. In this case, when politics did not provide the answers power leached out onto the street in the form of protests and public disorder.

The policing bill alone is one indicator of the cost to the society: four months of policing the protest cost a total of £21.9 million. And that is only part of the equation. On the other side are those, often drawn from the most deprived and marginalised communities who have received criminal records and, in some cases, prison sentences. The other casualty is the body politic. The flag protest cannot be said to be responsible for the deterioration in relationships between unionists and nationalists that has occurred in the period since December 2012, but it does stand as an expression of how latent grievances, if unattended, can suddenly manifest themselves as crises. In this case, a section of the Protestant working-class which felt it had not experienced any benefits from the peace process showed a readiness to take to the streets and to move beyond the control of the established political leadership.

Northern Ireland history also presents some markedly different lessons. It is salutary to observe that the flag protest did not find its way from the streets into the workplace. There was a time when the Union flag was routinely displayed on the shopfloors of some major employers throughout the marching season. However in 1989 a Code of Practice was issued by the Department of Economic Development, as an appendix to the Fair Employment (Northern Ireland) Act. This required employers to 'prohibit the display of flags, emblems, graffiti or circulation of materials' which might give offence. In short, the Union flag had to come down.

That was achieved through strong leadership and by the clear presentation of a principle. Moreover, once the legislation had effected the change in behaviour, the change in attitude followed. No-one now campaigns to have the Union flag or any other flag displayed in the workplace, and even at the height of the protest there were no attempts to re-open the debate.

Another example is provided by the symbol of the Northern Ireland Assembly. This could have been a matter for bitter contestation, but some creative thinking led to the adoption of the motif of the flax plant being adopted as the logo, with six flowers to represent each county. What we are suggesting is that while cultural contestation has resulted in Northern Ireland experiencing serious street disorders in every decade since the foundation of the state, the pattern needs to be broken. History is not destiny, and even the most intractable of problems can yield to creative solutions.

What is required now is that type of fresh thinking. Northern Ireland cannot continue to send the police out to deal with the problems that ought to be resolved in the debating chambers and meeting rooms. The economy cannot cope with such relentless bad publicity. And the society cannot risk seeing young people from disadvantaged areas put through the criminal justice system. This report details how all of those things happened because of a disagreement about the flying of flag. There will be other symbolic issues in the future which could ignite similar passions. The politicians and civil society have duty to work together to make sure that that they do not. That means they must do more than simply express grievances; instead they must work to find solutions.